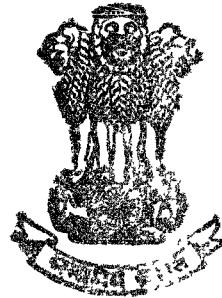
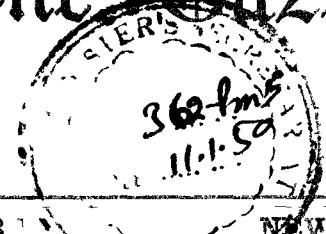


The Gazette



of India



PUBLISHED BY AUTHORITY

No. 53

NEW DELHI, SATURDAY, DECEMBER 31, 1949

NOTICE

The undermentioned Circulars of Extraordinary were published during the week ending 19th December 1949:—

No.	No. and Date	Issued by	Subject
1	No. 73 T (9) 49 dated the 17th December 1949.	Ministry of Commerce	Fixation of Tariff values of certain articles.
2	No. C A/76/Ser 49 IX, dated the 19th December 1949.	Constituent Assembly of India	Calling upon the members of the Madras Legislative Assembly to elect members to fill seats in the Constituent Assembly which shall become vacant as from 26th January 1950 by virtue of Article 370 of the Constitution of India.
3	No. C A/76/Ser 49 X, dated the 19th December 1949.	Ditto	Declaring certain seats of members in the Assembly representing the Mysore State to become vacant as from the 26th January 1950 by virtue of Article 370 of the Constitution of India.
4	No. F. 73/1), dated the 22nd December 1949.	Ministry of Labour	Draft of a scheme for the Port of Calcutta.
5	No. F. 7 WL(1) 47 dated the 22nd December 1949.	Minister of Law	Resolution of the Constituent Assembly (Legislative) passed on the 20th December 1949.

Copies of the Circulars Extraordinary mentioned above will be supplied on demand to the Minister of Publications, Civil Lines, Delhi. Insects should be submitted so as to reach the Minister within ten days of the date of issue of this Gazette.

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PART I—Section 1**Government of India Notifications relating to Rules, Regulations and Orders and Resolutions (other than the Ministry of Defence)****PRIME MINISTER'S SECRETARIAT***New Delhi, the 26th December 1949*

No. 12-H.—The following amendment is made to Notification by the Private Secretary to His Excellency the Viceroy No. 62-H, dated the 16th April 1942, regarding the award of the Indian Distinguished Service Medal:—

For "6516 Naik Harkabahadur Rana, 8th Gurkha Rifles".

Read "6516 Naik Harkabahadur Rana, 5th R.G.R. (F.F.)".

A. V. PAJ, Principal Private Secy.

MINISTRY OF HOME AFFAIRS*New Delhi, the 22nd December 1949*

No. 8/9/49-Judl.—In exercise of the powers conferred by section 7 of the Delhi Laws Act, 1912 (XIII of 1912), the Central Government is pleased to direct that the following amendments shall be made in the notification of the Government of India in the Ministry of Home Affairs, No. 8/9/49-Judl., dated the 27th April, 1949, namely:—

In the said notification—

1. In the preamble, for the word "modification" the word "modifications" shall be substituted.

2. The existing modification shall be numbered as modification (3).

3. Before modification (3) as so numbered the following modifications shall be inserted, namely:—

(1) Throughout the Act, references to the Province of Orissa shall be construed as references to the Province of Delhi and references to the Provincial Government shall be construed as references to the Chief Commissioner.

(2) In sub-section (4) of section 2 for the words "after it shall have received the assent of the Governor" the words "at any time" shall be substituted.

New Delhi, the 27th December 1949

No. 8/14/49-Judl.—In exercise of the powers conferred by section 2 of the Ajmer-Merwara (Extension of Laws) Act, 1947 (LII of 1947), the Central Government is pleased to extend to the Province of Ajmer-Merwara the Bombay

New Delhi, the 22nd December 1949

No. 7/11/48-Ests.—In exercise of the powers conferred by sub-section (2) of section 241 of the Government of India Act, 1935, the Governor-General is pleased to direct that the following further amendments shall be made in the Rules published with the notification of the Govern-

A. - Subordinate Executive Posts

Inspectors Commissioner of Income-tax

B. - Ministerial Posts**(a) Supervisory posts**

(i) Supervisor, Grade I
(ii) Supervisor, Grade II
(iii) Head Clerk

Do.

Inspecting Assistant Commissioner concerned. (i) & (v) Commissioner of Income-tax, All Central Board of Revenue.

Inspecting Assistant Commissioner concerned. (i) & (v) Commissioner of Income-tax, All Central Board of Revenue.

Commissioner of Income-tax All Central Board of Revenue. Inspecting Assistant Commissioner concerned.

Inspecting Assistant Commissioner concerned. (i) to (v) Commissioner of Income-tax, Commissioner of Income-tax (vi) & (vii) Central Board of Revenue.

Appellate Assistant Commissioner concerned. (i) to (v) Commissioner of Income-tax, Commissioner of Income-tax (vi) & (vii) Central Board of Revenue.

(iv) In Appellate Assistant Commissioner's Offices. Commissioner of Income-tax

(v) In Appellate Assistant Commissioner's Offices. Commissioner of Income-tax

MINISTRY OF LAW*New Delhi, the 21st December 1949*

No. F. 33-II/49-L.—In exercise of the powers conferred by rule 1 of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government is pleased to authorise the Sub-Regional Employment Officer, Jhansi, under the Ministry of Labour, Government of India, to sign and verify plaints or written statements in suit No. 489 of 1949 in the Court of Munsif, Jhansi District.

SHRI GOPAL SINGH, Dy. Secy.

Electricity (Special Powers) Act, 1946, as in force in the Province of Bombay at the date of this notification, subject to the following modifications, namely:—

In the said Act,—

(1) references to the Province of Bombay shall be construed as references to the Province of Ajmer-Merwara;

(2) references to the Provincial Government shall be construed as references to the Chief Commissioner of Ajmer-Merwara;

(3) for sub-section (8) of section 1 the following sub-section shall be substituted, namely:—

"(8) It shall come into force on such dates as the Chief Commissioner may, by notification in the official Gazette, appoint."

(4) in sub-section (1) of section 4, for the words and figures "31st January 1948" at both the places where they occur the words and figures "31st January 1946" shall be substituted;

(5) after section 6 the following section shall be inserted, namely:—

"6A. *Advisory Board.*—The Chief Commissioner may by notification in the official Gazette constitute a Provincial Advisory Board consisting of such number of persons as he thinks fit to advise him on all matters relating to the administration of this Act."

(6) Section 7 shall be omitted

E. C. GAYNOR, Dy. Secy.

ment of India in the late Home Department, No. E 19/90-Ests., dated the 27th February 1932, namely:—

In the Schedule annexed to the said Rules, under the heading "Finance Department", for the entries under the sub-heading "Income-tax Department" the following entries shall be substituted, namely:—

Inspecting Assistant Commissioner concerned. (i) & (v) Commissioner of Income-tax, All Central Board of Revenue.

Inspecting Assistant Commissioner concerned. (i) & (v) Commissioner of Income-tax, All Central Board of Revenue.

Commissioner of Income-tax All Central Board of Revenue. Inspecting Assistant Commissioner concerned.

Inspecting Assistant Commissioner concerned. (i) to (v) Commissioner of Income-tax, Commissioner of Income-tax (vi) & (vii) Central Board of Revenue.

Appellate Assistant Commissioner concerned. (i) to (v) Commissioner of Income-tax, Commissioner of Income-tax (vi) & (vii) Central Board of Revenue.

(c) Lower Division Clerks						
(i) In Commissioner's Offices	Commissioner of Income-tax.	Commissioner of Income-tax.	All	Central Board of Revenue.		
	Inspecting Assistant Commissioner concerned.	Income-tax Officer.	(i) & (v)	Inspecting Assistant Commissioner.		
(ii) In Income-tax offices and Inspecting Assistant Commissioner's Offices		Inspecting Assistant Commissioner.	All	Commissioner of Income-tax.		
		Appellate Assistant Commissioner concerned.	All	Commissioner of Income-tax.		
(iii) In Appellate Assistant Commissioner's offices	Appellate Assistant Commissioner concerned.	Inspecting Assistant Commissioner or Appellate Assistant Commissioner concerned.	(i) & (v)	Commissioner of Income-tax.		
		Commissioner of Income-tax.	All	Central Board of Revenue.		
(d) Stenographers						
(i) In Income-tax Offices	Commissioner of Income-tax	Inspecting Assistant Commissioner concerned.	(i) & (v)	Commissioner of Income-tax.		
		Income-tax Officer concerned.	All	Central Board of Revenue.		
(ii) In Commissioner's Offices	Commissioner of Income-tax.	Inspecting Assistant Commissioner concerned.	All	Commissioner of Income-tax.		
		Income-tax Officer (Personal Assistant to the Commissioner of Income-tax).	(i) & (v)	Commissioner of Income-tax.		
(f) Telephone Operators and Assistant Telephone Operators (West Bengal).	Commissioner of Income-tax, West Bengal.	Commissioner of Income-tax.	All	Central Board of Revenue.		
		Assistant Commissioner of Income-tax concerned.	All	Central Board of Revenue.		
(g) Bailiffs		Income-tax Officer	(i) & (v)	Assistant Commissioner of Income-tax concerned.		
		Assistant Commissioner of Income-tax concerned.	All	Commissioner of Income-tax.		
<i>Record Clerks, Record Sorters and Senior Record Sorters.</i>						
(i) In Commissioner's Office.	Personal Assistant or where there is no such officer, an Inspecting Assistant Commissioner.	Personal Assistant or where there is no such officer, an Inspecting Assistant Commissioner.	All	Commissioner of Income-tax.		
	Assistant Commissioner concerned.	Income-tax Officer	(i) & (v)	Inspecting Assistant Commissioner.		
(ii) In Income-tax Offices		Assistant Commissioner concerned.	All	Commissioner of Income-tax.		
		Assistant Commissioner concerned.	All	Commissioner of Income-tax.		
(iii) In Assistant Commissioner's Offices.	Assistant Commissioner concerned.	Assistant Commissioner concerned.	All	Commissioner of Income-tax.		
		Assistant Commissioner concerned.	All	Commissioner of Income-tax.		
D.— <i>Daftries, Jamadars, Notice Servers, Daftrbands, Havaldars, Naiks, Peons, Durwans, Watchmen, Hamals, etc.</i>						
(i) In Commissioner's Offices.	Personal Assistant or where there is no such officer, an Inspecting Assistant Commissioner.	Personal Assistant or where there is no such officer, an Inspecting Assistant Commissioner.	All	Commissioner of Income-tax.		
	Assistant Commissioner concerned.	Income-tax Officer	(i) & (v)	Inspecting Assistant Commissioner.		
(ii) In Income-tax Offices		Assistant Commissioner concerned.	All	Commissioner of Income-tax.		
		Assistant Commissioner concerned.	All	Commissioner of Income-tax.		
(iii) In Assistant Commissioner's Offices.	Assistant Commissioner concerned.	Assistant Commissioner concerned.	All	Commissioner of Income-tax.		

C. B. GULATI, Under Secy

New Delhi, the 23rd December 1949

No. F. 32/17/49-Public(I).—In exercise of the powers conferred by Section 25 of the Negotiable Instruments Act, 1881 (XXVI of 1881), the Central Government is pleased to declare Thursday the 26th and Friday the 27th January to be public holidays throughout India in celebration of the inauguration of the Republic of India.

FATEH SINGH, Dy. Secy.

New Delhi, the 27th December 1949

No. 9/141/49-Police(I).—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of

1878) the Central Government is pleased to grant *ex post facto* exemption from the operation of the prohibitions contained in section 6 of the said Act to:—

- (1) Major-General Bijaya Shamsherjang Bahadur Rana of Nepal in respect of one .38 bore revolver No 05979 with twenty-four cartridges.
- (2) Eusign Santa Bahadur Adhikari of Nepal and Guard in respect of twenty-two .303 bore Lee Enfield Rifles with four hundred and forty cartridges and two .450 bore pistols Nos. 259436 and 319639 with forty-eight cartridges.

U. K. GHOSHAL, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 26th December 1949

No. 466 Pt.—With reference to Notification No. 387-Pt., dated the 14th September, 1949, the Governor General is pleased to confirm the provisional recognition of the appointment of—

1. Mr. Gilbert E. Clark as Consul for the United States of America at Bombay,
2. Mr. James F. Amory as Vice Consul for the United States of America at Bombay, and
3. Mr. William H. Sullivan as Vice Consul for the United States of America at Calcutta.

NAWAB OF PATAUDI,
Officer on Special Duty.

No. F.84/49-M(E).—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Emigration Act, 1922 (VII of 1922), the Central Government is pleased to direct that the Port Health Officer, Madras shall look after the duties of the Medical Inspector of Emigrants, Madras, in addition to his own, with effect from the 5th November 1949.

Y. D. GUNDEVIA,

Controller General of Emigration
and Joint Secretary

MINISTRY OF FINANCE

New Delhi, the 20th December 1949

No. D. 5622-F. 111/49.—Statement of the Affairs of the Reserve Bank of India, as on the 16th December 1949.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	5,73,59,000
Reserve Fund	5,00,00,000	Rupee Coin	1,15,000
Deposits :—		Subsidiary Coin	1,33,000
(a) Government		Bills Purchased and Discounted :—	
(1) Central Government	144,26,90,000	(a) Internal	41,18,000
(2) Other Governments	19,71,66,000	(b) External
(c) Banks	76,48,00,000	(c) Government Treasury Bills	4,92,84,000
(d) Others	65,80,16,000	Balances held abroad*	218,12,46,000
Bills Payable	5,42,12,000	Loans and Advances to Governments	1,00,000
Other Liabilities	10,42,68,900	Other Loans and Advances	8,35,35,000
		Investments	89,95,89,000
		Other Assets	4,24,62,000
Rupees	332,14,58,000	Rupees	332,14,58,000

* Includes Cash and Short-term Securities.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 16th day of December 1949

ISSUE DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Notes held in the Banking Department	8,79,59,000	A. — Gold Coin and Bullion :—	
Notes in circulation	1099,84,11,000	(a) Held in India	40,01,71,000
Total Notes issued	1108,63,70,000	(b) Held outside India
Total Liabilities	1108,63,70,000	Foreign Securities	600,34,38,000
		Total of A	640,36,09,000
		B. — Rupee Coin	53,04,83,000
		Government of India	415,22,75,000
		Rupee Securities
		Internal Bills of Exchange and other Commercial Paper
		Total Assets	1108,63,70,000

Ratio of Total of A to Liabilities: 57.761 per cent.

Dated the 21st day of December 1949.

B. RAMA RAU, Governor.

New Delhi, the 27th December 1949

No. D. 5828-F. 111/49.—Statement of the Affairs of the Reserve Bank of India, as on the 23rd December 1949.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	8,43,26,000
Reserve Fund	5,00,00,000	Rupee Coin	11,34,000
Deposits :—		Subsidiary Coin	1,59,000
(a) Government—		Bills Purchased and Discounted :—	
(1) Central Government	149,18,49,000	(a) Internal	41,18,000
(2) Other Governments	20,33,31,000	(b) External
(b) Banks	73,72,33,000	(c) Government Treasury Bills	4,92,84,000
(c) Others	65,62,02,000	Balances held abroad*	218,12,46,000
Bills Payable	5,76,87,000	Loans and Advances to Governments	1,00,000
Other Liabilities	9,96,51,000	Other Loans and Advances	8,35,35,000
		Investments	89,95,89,000
		Other Assets	4,24,62,000
Rupees	334,59,53,000	Rupees	334,59,53,000

*Includes Cash and Short-term Securities.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 23rd day of December 1949.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	8,43,26,000		A.—Gold Coin and Bullion :—		
Notes in circulation	1100,20,09,000		(a) Held in India	40,01,71,000	
Total Notes issued	1108,63,35,000		(b) Held outside India	—	
			Foreign Securities	600,34,38,000	
			Total of A	640,38,00,000	
Total Liabilities	1108,63,35,000		B.—Rupee Coin	53,04,51,000	
			Government of India Rupee Securities	415,22,75,000	
			Internal Bills of Exchange and other Commercial Paper	—	
			Total Assets	1108,63,35,000	

Ratio of Total of A to Liabilities : 57.761 per cent.

Dated the 28th day of December 1949.

B. RAMA RAU, Governor

New Delhi, the 28th December 1949

No. PFG-57-Est.I/47.—In exercise of the powers conferred by section 10 of the Capital Issues (Continuance of Control) Act, 1947 (XXIX of 1947), the Central Government is pleased to direct that the powers conferred upon it by section 3, section 4 and sub-section (2) of section 6 of the said Act shall be exercisable also by the Assistant Controller of Capital Issues with effect from the 17th October 1949, subject to the condition that any order made by the Assistant Controller in exercise of the aforesaid powers may on the application of any person aggrieved thereby be reviewed by the Central Government which may upon such review confirm, modify or cancel such order.

K. G. AMBEGAOKAR, Secy

MINISTRY OF FINANCE (REVENUE DIVISION)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 31st December 1949

No. 101.—In Schedule I (Districts) annexed to this Ministry's Notification, Income-tax Establishments, No 84, dated the 3rd September 1949, the following entry shall be added, namely:—

“9. Dangs.”

INDARJIT SINGH, Dy Secy.

INCOME-TAX

New Delhi, the 31st December 1949

No. 121.—It is notified for general information that the Central Government have approved the institution mentioned below for the purpose of sub-section (1) of Section 15-B of the Indian Income-tax Act, 1922 (XI of 1922) —

Bihar

383 The Eye Infirmary attached to the Sri Rama-krishna Vivekananda Sevashram, Muzaffarpur.

RESOLUTION

New Delhi, the 21st December 1949

No. F.32(2)-E.V./48.—The Government of India have decided that in their Ministry of Finance Resolution No. F. 32(2)-E.V /48, dated the 26th July 1949, regarding the future of the Bengal and Madras Service Family Pension Fund, the following should be inserted as paragraph 2, the existing paragraph 2 being renumbered as paragraph 3:—

“2. This Resolution supersedes Resolution No. 3873-F E. of the Government of India in the Finance Department, dated the 29th June 1911 and the rules and tables attached thereto. Rules 17, 25, 29 and 43 to 51 of the said rules and the forms referred to therein shall, however, so far as may be and so far as is consistent with this Resolution, continue to apply.”

2. ORDERED that this Resolution be published in the *Gazette of India*.

B. L. BATRA, Dy. Secy.

No. 123.—It is notified for general information that the Central Government have approved the institution mentioned below for the purposes of sub-section (1) of Section 15-B of the Indian Income-tax Act, 1922 (XI of 1922).—

Bombay

384. Prince of Wales Museum of Western India.

PYARE LAL, Dy. Secy.

**THE INSTITUTE OF CHARTERED ACCOUNTANTS
OF INDIA**

New Delhi, the 31st December 1949

No. 13-Ca(5)/49.—With reference to the Resolution of the Government of India in the Department of Commerce No. 12-A(1)/46, dated the 28th December 1946, it is hereby notified that in exercise of the powers conferred by Regulation 13 of the Chartered Accountants Regulations, 1949, the Council of the Institute of Chartered Accountants of India is pleased to restore to the Register of Members with effect from the 12th December 1949, the following name, namely:—

962 Bhattacharyya Nitish Chandra, B.Com., 39/A Ram Kamal Street, Kidderpore, Calcutta

M. A. MULKY, Secy.

CENTRAL BOARD OF REVENUE
CUSTOMS

New Delhi, the 10th December 1949

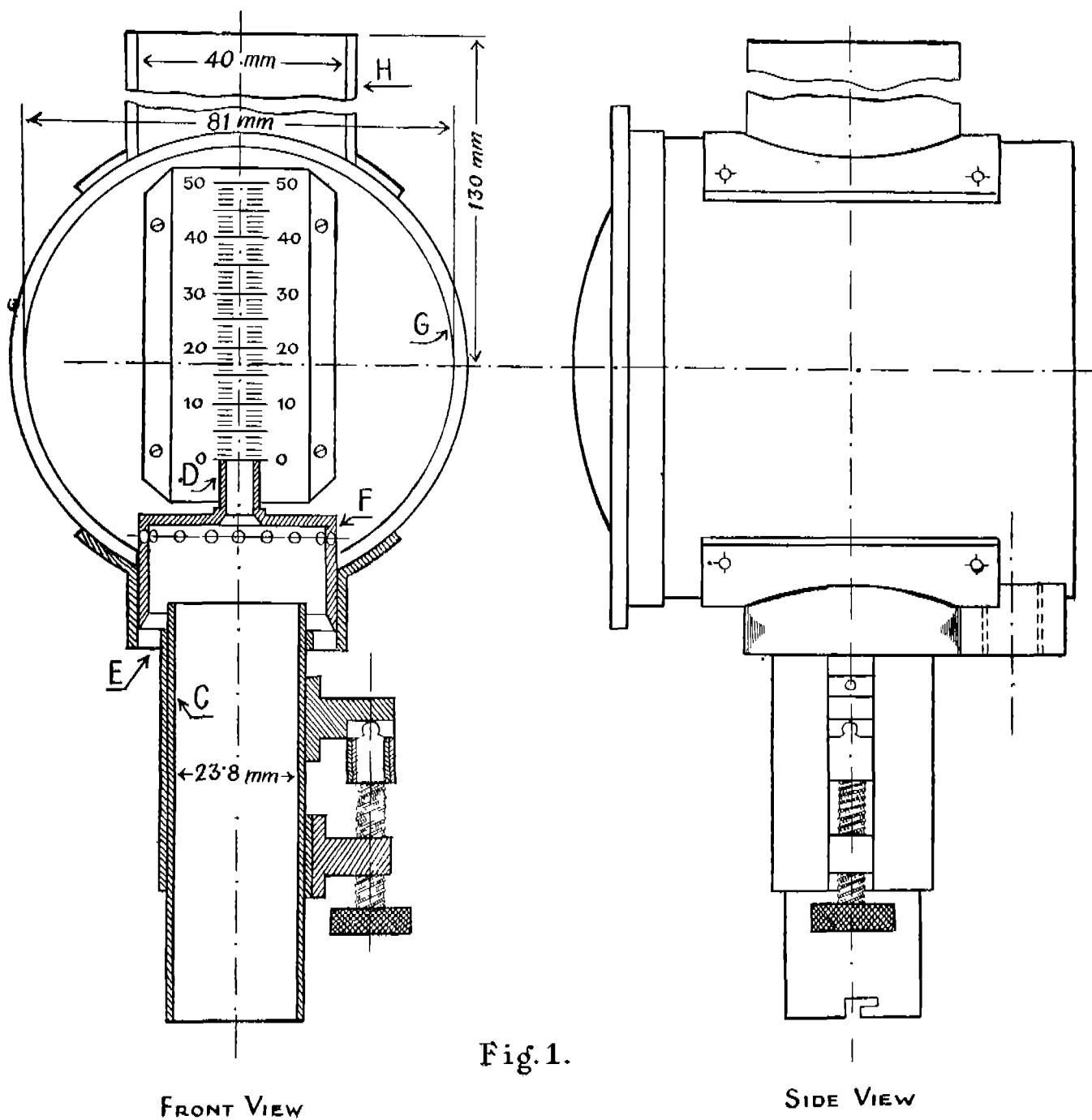
No. 67.—In exercise of the powers conferred by section 195A of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue is pleased to direct that the following amendment shall be made in its notification No. 67-Customs, dated the 23rd December 1938, namely—

In the said notification, for Annexure I the following shall be substituted, namely:—

"ANNEXURE I"

Apparatus—

(a) *Lamp.*—The lamp shall be the I.P. smoke Point lamp as modified by the Institute of Petroleum, London, from time to time or shall conform to the dimensions given below and in Figures 1 and 2 (*vide* Drawings attached).



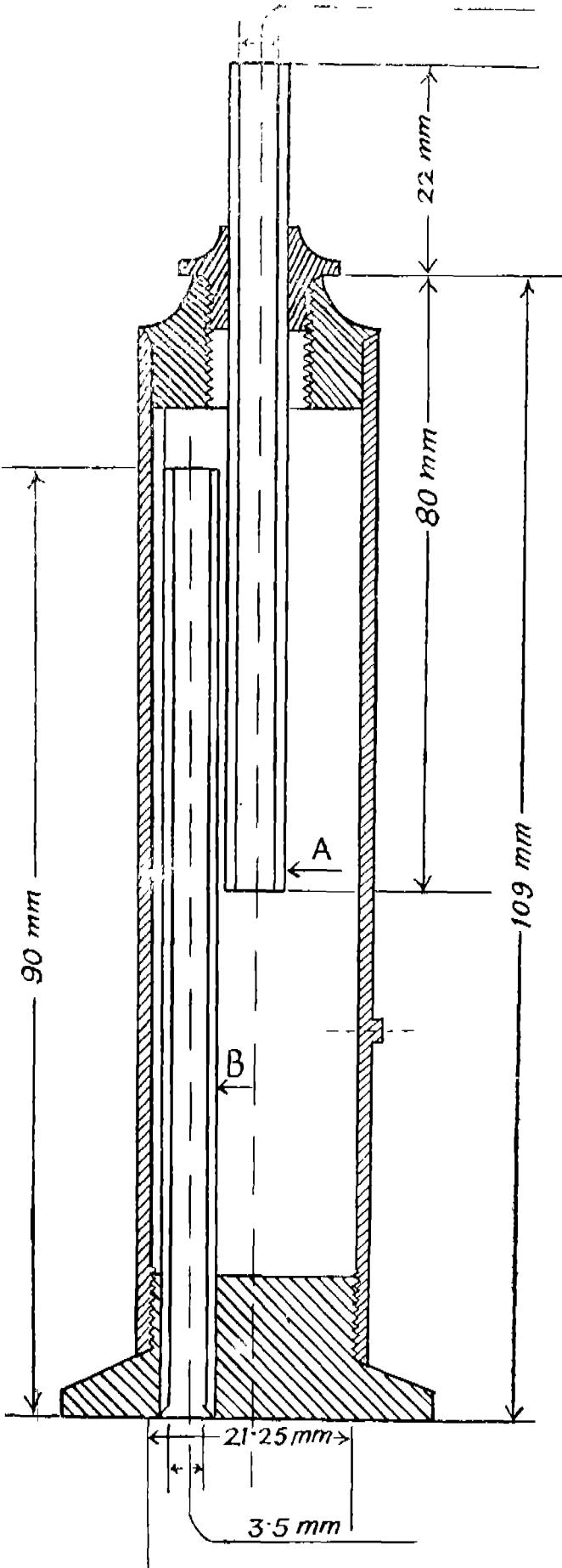


Fig.2.

	Dimension	
	Mm.	Tolerance
<i>Candle</i>		
Internal diameter . . .	21.25	± 0.25
External diameter . . .	Sliding fit in candle holder	
Length, without cap . . .	109	± 0.05
Thread on cap . . .	9.5 mm diam. 1.0 mm pitch.	screwed
<i>Wick Tube (A) :</i>		
Internal diameter . . .	4.7	± 0.05
External diameter . . .	Close fit in flame guide	
Length . . .	82.0	± 0.05
<i>Air-vent (B) :</i>		
Internal diameter . . .	8.5	± 0.05
Length . . .	90.0	± 0.05
<i>Candle socket (C) :</i>		
Internal diameter . . .	23.8	± 0.05
<i>Wick Guide (D) :</i>		
Internal diameter . . .	6.0	± 0.02
<i>Air inlets (E) :</i>		
(20 in number) :		
Diameter	2.9	± 0.05
<i>Gallery (F) :</i>		
External diameter . . .	35.0	± 0.05
Air inlets (20 in number). Diameter	3.5	± 0.05
<i>Lamp body (G) :</i>		
Internal diameter . . .	81.0	± 1.0
Internal depth	81.0	± 1.0
<i>Chimney (H) :</i>		
Internal diameter . . .	4.0	± 1.0
Height, top of chimney to centre of lamp body . . .	130.0	± 1.0

The lamp shall also conform to the following essential requirements:—

- The top of the wick guide shall be exactly level with the zero mark on the scale;
- The scale shall be marked in white lines on each side of a white strip, 2 mm. in width on black glass. It shall have a range of 50 mm. graduated in 1 mm. figured at each 10 mm., with longer lines at each 5 mm.
- An efficient device for raising or lowering the flame shall be provided. The total distance of travel shall be not less than 10 mm. and the movement shall be smooth and regular.
- The glass window of the door shall be concave to prevent the formation of multiple images.
- The joint between the base of the candle and the candle body shall be oil-tight.

(b) *Wick*—The wick shall be the I.P. Smoke Point Wick, and shall conform to the following specification:—

To be woven solid circular, the cotton to be of American Yarn, ordinary quality.

Casing	17 ends,	3 ply,	nines count
Filling	9 ends,	4 ply,	sixes count
Weft	2 ply,	fifteens	count
Ticks per inch	15		

Test Room

It is recommended that the room temperature and the barometric pressure be recorded. The lamps shall be placed in a vertical position and completely protected from draughts.

A. N. PURI, Secy

INCOME TAX

New Delhi, the 24th December 1949

No. 120.—In pursuance of sub section (4) of section 5 of the Indian Income Tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in its Notification No. 32 Income Tax, dated the 9th November 1946, namely—

In the Schedule appended to the said Notification under the sub head 'VI—U P' for the Ranges and Income-tax Circles mentioned against them the following Ranges and Income-tax Circles shall be substituted, namely—

Agra—

- (1) Agra
- (2) Mathura.
- (3) Allahabad

Banaras—

- (1) Banaras
- (2) Azamgarh.
- (3) Gorakhpur.
- (4) Mirzapur

Kanpur—

- (1) Kanpur
- (2) Excess Profits Tax Circle, Kanpur

- (3) Companies Circle, Kanpur

- (4) Fatehgarh

- (5) Moradabad

- (6) Jhansi.

- (7) Aligarh.

know—

- (1) Lucknow.

- (2) Sitapur.

- (3) Bareilly.

- (4) Gonda

- (5) Fyzabad.

- (6) Central Circle, Allahabad

- (7) Shahjahanpur

- (8) Saharanpur.

- (9) Rampur.

Meerut—

- (1) Meerut.

- (2) Military Circle, Meerut

- (3) Dehradun

- (4) Muzaffarnagar

PYARE LAL, Secy

MINISTRY OF COMMERCE

MERCHANT SHIPPING

New Delhi, the 24th December 1949

No. 73 MI (2)/47.—In exercise of the powers conferred by section 6 of the Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949 (XVIII of 1949), the Central Government is pleased to declare that a Red Ensign with a width two-third of its length, the staff being on the left, and the National Flag of India super-imposed in the left hand top quarter shall, with effect from the 26th January 1950, be the proper national colours for all ships registered in India and for all vessels which are not registered in any British possession but are owned exclusively by persons domiciled in India or by bodies corporate established in India.

H. C. SARIN, Dy. Secy.

New Delhi, the 31st December 1949

No. 38-ITC/49.—In pursuance of the Notification of the Government of India in the late Department of Commerce No. 23 ITC/48, dated the 1st July 1948, as continued in force by the Imports and Exports (Control) Act, 1947 (XVIII of 1947), the Central Government is pleased to direct that the following amendment shall be made in the Open General Licence No. XVII, published with the Notification of the Government of India, in the Ministry of Commerce, No. 34-ITC/49, dated the 12th November, 1949, namely—

In the said Open General Licence—

1 In the preamble for the words— Afghanistan, Aden and Dependencies, Burma, Bahrain Islands, Ceylon, Iraq, Iran, Java, Kuwait, Kenya Colony, Muscat Territory, Native States in Arabia, Strait Settlements, Sumatra, Tanganyika Territory and Trucial Oman' the following shall be substituted, namely—

"Afghanistan, Aden and Dependencies, Australia, Burma, Bahrain Islands, Borneo, British East Africa, Ceylon, China, Celebes, Hongkong, Iraq, Iran, Java, Kuwait, Kenya Colony, Muscat Territory, Native States in Arabia, New Zealand, Strait Settlements, Sumatra, Siam, Tanganyika Territory and Trucial Oman'

2 In the proviso for the words and figures "31st December 1949", the words and figures "31st March 1950" shall be substituted

S. JAGANNATHAN, Joint Secy

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 27th December 1949

No. I(7)-5(1)/49.—In partial modification of para 4 of this Ministry's Notification No. I(4)-5(1)/48, dated the 17th November, 1948, the term of membership of the Cottage Industries Board is extended up to the 31st March, 1950

K. SEN, Joint Secy

COFFEE CONTROL

New Delhi, the 26th December 1949

No. 13(1) I(VI)/49.—In exercise of the powers conferred by sub-section (3) of section 4 of the Coffee Market Expansion Act, 1942 (VII of 1942) and in partial modification of the notification of the Government of India in the late Department of Industries and Supplies, No. 13(1)-I/P/47, dated the 19th July 1947, the Central Government is pleased to nominate the following as members of the Indian Coffee Board—

(1) Janab Md. Safdar Hussain, B.A. to represent labour on the recommendation of the Government of Mysore, vice Janab Mohamed Ismail Sheriff, resigned

(2) Shri V. Kunju Krishnan, Secretary to the Government of the United States of Travancore and Cochin, Development Department, to represent that Government on their recommendation, vice Sri K. R. Narayana Iyer, resigned

K. RAM, Dy. Secy

New Delhi, the 28th December 1949

No. I(1)-4(20).—In exercise of the powers conferred by clause (b) of section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the power to make orders under clause (d) of sub section (2) of section 3 of the said Act shall, in relation to the use of steel in the construction of buildings, be exercisable also by the Government of Bombay.

C. R. NATESAN, Dy. Secy

MINISTRY OF AGRICULTURE

New Delhi, the 21st December 1949

No. F. 35-63/Comm. 49.—In pursuance of the provisions of clause (a) of Section 2 of the Indian Coconut Committee Act, 1944 (X of 1944) as applied to the State of Baroda (now merged in the Province of Bombay) the Central Government is pleased to appoint the Officer-in-charge, Central Excise, Baroda to perform the duties of a Collector under the said Act and the rules made thereunder.

No. F. 35-63/Comm. 49.—In pursuance of the provisions of clause (b) of Section 2 of the Indian Oil Seeds Committee Act, 1946 (IX of 1946), as applied to the State of Baroda (now merged in the Province of Bombay) the Central Government is pleased to appoint the Officer-in-charge, Central Excise, Baroda to perform the duties of a Collector under the said Act and the rules made thereunder.

No. F. 35-17/Comm. 49.—In pursuance of sub-section (2) of section 6 of the Indian Coconut Committee Act, 1944 (X of 1944) and in supersession of the notification of the Government of India in the Ministry of Agriculture No. F. 35-17/Comm. 49, dated the 24th October 1949, the Central Government of the United States of Travancore and Cochin, is pleased to appoint—

(i) Shri T. C. Kochunni Pillai, Director of Agriculture, and

(ii) Shri V. Kunyukrishnan, Secretary to the Government of the United States of Travancore and Cochin, Development Department to be members of the Indian Central Coconut Committee *vide* Shri K. R. Narayana Iyer and Shri C. Kumar Das, respectively.

S. R. MANI, Dy. Secy.

New Delhi, the 21st December 1949

No. SV-105(1)/50.—In exercise of the powers conferred by clause 3 of the Sugar Stocks (Control) Order, 1949, the Central Government is pleased to direct that as from the date of this Notification the following further amendment shall be made in the Notification of the Government of India in the Ministry of Agriculture No. SV-105(1)/50, dated the 8th December 1949, namely:—

In the said Notification for the words “Provincial Governments of East Punjab, West Bengal, Orissa, Bombay and Madras and the Chief Commissioner of Bhopal” the words “Provincial Governments of East Punjab, West Bengal, Orissa, Bombay, Madras and the Commissioner of Civil Supplies, Madras and the Chief Commissioners of Bhopal and Ajmer-Merwara” shall be substituted.

N. T. MONE, Joint Secy.

New Delhi, the 24th December 1949

No. F. 51-3/47-Com.—In pursuance of the provisions of section 4(4) (iii) of the Indian Lac Cess Act, 1930 (XXIV of 1930), the Bengal Chamber of Commerce have nominated Mr. G. C. Georgiades of Messrs. Ralli India Ltd., Calcutta, to be a member of the Governing Body of the Indian Lac Cess Committee to represent the shellac export trade *vide* Mr. B. F. Suraris resigned.

S. BASU, Joint Secy.

MINISTRY OF HEALTH

New Delhi, the 21st December 1949

No. F. 1-44/47-D.—In exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), the Central Government is pleased to direct that the following further amendment shall be made in the Drugs Rules, 1945, the same having been previously published as required by the said sections, namely:—

In paragraph I of Part X of Schedule F to the said Rules, for the words “prepared from the gut or any tissue of an animal”, the words “of animal, vegetable or synthetic origin” shall be substituted.

J. N. SAKSENA, Under Secy.

New Delhi, the 26th December 1949

No. F. 22-34/49-M.I.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1933 (XXVII of 1933), the Central Government is pleased to nominate Dr. B. C. Das Gupta, M.B., M.R.C.P. (Cal.), M.R.C.P. (Ireland), D.T.M. & H. (Lond.), D.P.H. (Lond.), Director of Health Services, West Bengal, to be a member of the Medical Council of India from West Bengal, with effect from the 16th December 1949, *vide* Dr. P. C. Datta resigned.

KRISHNA BIHARI, Under Secy.

MINISTRY OF EDUCATION

ARCHAEOLOGY

New Delhi, the 21st December 1949

No. D.1569/49-A.2.—In exercise of the powers conferred by sub-section (1) of section 20 of the Ancient Monuments Preservation Act, 1904 (VII of 1904) the Central Government is pleased to confirm its notification in the Ministry of Education No. D.1569/49-A.2, dated the 25th April 1949 as amended by Addendum No. D.1569/49-A.2, dated the 13th May 1949, declaring the mounds described therein to be protected monuments within the meaning of the said Act.

RAM LAL, Under Secy.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 22nd December 1949

No. F.(X) II-49/TX12/9.—In exercise of the powers conferred by section 4 of the Railways (Local Authorities' Taxation) Act, 1941 (XXV of 1941), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the late Railway Department (Railway Board) No. 226, dated 24th August 1911, namely:—

In the Schedule annexed to the said notification, the entry relating to the Birnagar Municipality shall be omitted.

No. F.(X) II-49/TX12/9.—In pursuance of sub-section (1) of section 3 of the Railways (Local Authorities' Taxation) Act, 1941 (XXV of 1941), the Central Government is pleased to direct that the Administration of the East Indian Railway shall be liable to pay, in aid of the funds of the local authority set out in column I of the Schedule annexed hereto, the tax specified in column II thereof.

SCHEDULE

Local Authority I	Tax II
Birnagar Municipality	Holding Rate
S. S. RAMASUBBAN, Secy.	

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHHS

New Delhi, the 19th December 1949

No. PHA-20-40/49.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following amendment shall be made in the Indian Telegraph Rules, 1932, namely:—

In the said Rules, after Rule 475A the following rule shall be inserted, namely:—

“475-B: Rules 435 to 438, 451 to 457-A, 462 to 464, 466 to 468, and 471 to 474 shall not apply to the following telephone systems previously owned by the respective State Governments and now taken over by the Central Government.—

Baroda.

Bhopal.

Kolhapur.

Rampur.

Tehri Garhwal.

New Delhi, the 22nd December 1949

No. C-40-14/49.—In exercise of the powers conferred by section 7 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely:—

In the proviso to sub-rule (1) of Rule 99 of the said rules, the following shall be added at the end, namely:—

"Any fee so paid shall in no circumstances be returned."

RESOLUTION

New Delhi, the 22nd December 1949

No. 18-M(6)/47.—In modification of paragraph 6 of the Government of India, Ministry of Communications' Resolution No. 18-M(6)/47, dated the 25th January 1949, the Government of India have decided that the Central Board of Geophysics should henceforward function under the control of the Department of Scientific Research. The Secretary of the Board will correspond direct with the Department of Scientific Research.

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF WORKS, MINES AND POWER

New Delhi, the 28th December 1949

No. 645/WIV/49.—In exercise of the powers conferred by sub-section (2) of section 1 of the Delhi Premises (Requisition and Eviction) Act, 1947 (XLIX of 1947), the Central Government is pleased to extend the said Act to the revenue estate of village Adh Chani in the Province of Delhi.

N. B. CHATTERJI, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 20th December 1949

No. LR-2(215).—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following award of Tribunal of which Mr. F. Jeejeebhoy was the sole member, in the industrial dispute between the Free India General Insurance Company Limited, Kanpur and their employees in the Head Office:—

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE NO. 5 OF 1949

Before F. Jeejeebhoy, Barrister-at-Law, Chairman
PARTIES

The Employees of the Free India General Insurance Co. Ltd., Kanpur,
and

The said Employers.

APPEARANCES

For the Workmen: Sri Gopinath Singh, President, Kanpur Branch of U. P. Insurance Employees Association with Sri Chandra Bhan Nigam, Advocate for the Union and Sri Arjun Arora

For the Company: Sri Ram Nath Seth (Counsel) with Sri P. N. Gupta, Establishment Officer of the Company.

AWARD

By Notification No. LR-2(215)/1, dated 18th August 1949, the Industrial Dispute between the Free India General Insurance Company Ltd., Kanpur and their employees was referred to this Tribunal for adjudication. The same dispute between the parties had been previously referred by the Provincial Government of the United Provinces to its own Adjudicator, but after the promulgation of the Ordinance by which Banking and Insurance became Central subjects, the present Reference was made to this Tribunal. In the original Reference to the Provincial Tribunal only two issues had been referred, viz., Food Allowance and (b) transfer and dismissal of

Sri Swami Dayal. When the hearing commenced before me the representatives of Labour desired to enlarge the scope of the Reference by including further charges of victimization, relying upon the third item of the schedule to the Notification of 18th August 1949, which mentioned "victimization (specific cases to be cited by the employees)", and the note that the list in the schedule was not intended to be exhaustive. I allowed the representatives of Labour to raise the additional issue which is Issue No. 3 of the issues framed for trial:

ISSUES

1. What should be Dear Food Allowance of the Employees?
2. Was Sri Swami Dayal ordered to be transferred and subsequently dismissed as a result of unfair labour practice?
3. Were the following persons discharged or were their services otherwise affected as a result of unfair labour practice? :—
 - (1) Sri E. V. K. Murthi, Clerk,
 - (2) Sri M. B. Smha,
 - (3) Sri Ram Saran, Peon,
 - (4) Sri V. Saldana,
 - (5) Sri Suresh Chandra Verma,
 - (6) Sri Gopinath Kapur,
 - (7) Sri Ram Lakhman,
 - (8) Sri P. V. G. Nair,
 - (9) Sri Agoni Dutt Tripathi,
 - (10) Sri Ram Dhami,
 - (11) Sri Ganesh Singh,
 - (12) Sri Gyan Singh,
 - (13) Sri Vidya Sagar Misra,
 - (14) Sri Goverdhan,
 - (15) Sri Vidya Sagar Tripathi, Daftari,
 - (16) Sri Sita Ram, Peon.

ISSUE NO. (1)

The first issue deals with the question of Dear Food Allowance payable to the employees. There are about 150 employees altogether at the Head Office in Kanpur. The basic salary in 1939 was as follows:—

	Rs.
Peons	10
Clerks, Class IV	20
" Class III	25
" Class II	35
" Class I	35

The existing basic grades are as follows:—

	Rs.
Peons	25—1—40 Maximum in 13 Yrs.
Clerks, Class IV (Non-Matriculates) 40—75 Maximum in 10	
" Class III (Experienced Matriculates or Inter. in Commerce)	40—100 Maximum in 14 Yrs.
" Class II (Graduates)	50—125 Maximum in 13 Yrs.
" Class I (Experienced Graduates and Stenographers)	60—200 Maximum in 13 Yrs.

There is a practice in the firm that on completion of the probationary period and on confirmation Class I clerks are placed on Rs. 75 scale, Class II on Rs. 55 scale and Class III on Rs. 45 scale. The question of basic wages is not an issue before the Tribunal as no demand has been made concerning it.

The Company pays at present as Dear Food Allowance: Rs. 15 to all subordinate Class IV staff, and to the clerks at the following rates:—

Rs. 30 per month for salaries up to Rs. 75.

Rs. 25 per month for salaries from Rs. 76—150.

Rs. 20 per month for salaries from Rs. 151—249.

The representative of the labour contend that Dear Food Allowance should be at a flat rate of Rs. 55 for all; but that does not seem to be a reasonable approach to the problem.

It was urged before the Tribunal that Rs. 95 is the minimum amount necessary to sustain a person who had been previously receiving Rs. 20 in Kanpur, taking into account the present cost of living index at 465; that the Rajadhyaksha award stated that a clerk should get 80 per cent more than a workman; and that Kanpur has been placed in the same category as Calcutta and Bombay for the purposes of Dearness Allowance.

It was suggested during the course of the hearing that the Banking Tribunal's interim award may provide a useful guide. The Banks have been classified by the Government of India into three classes according to their working capital. Under the B. B. Singh award of 11th March 1947 certain basic salaries and allowances for Bank employees were fixed. The Central Banking Tribunal has now been appointed and has in its interim award given a general increase of 88½ per cent. and 25 per cent. respectively to the Banks in Kanpur, in advance of the B. B. Singh award, according to whether the Bank has shown or has not shown profits within the last two years. There can be little doubt that this Insurance Company for the purposes of comparison, if comparison were attempted, would more nearly proximate to a Class B Bank for the purposes of its wage structure. If however the Dearness Allowance of a B Class Bank under the Central Banking Tribunal's interim award was applied the Company would in fact be spending every month at Head Office less than at present by way of Dear Food Allowance, in effect Rs. 4,225 as against the present expenditure of Rs. 4,850. It has, however, been pointed out with considerable force that it is impossible to speculate upon the ultimate wage structure of the Banks not only as to Dearness Allowance but also as to basic salary. It is therefore not desirable in existing circumstances to link the Dear Food Allowance of this Insurance Company with the Dearness Allowance of a Bank. Manifestly it would be an advantage if there could be some degree of uniformity between the emoluments of clerks of an insurance company like thus one and of a banking concern of analogous grade, but in view of the fact that the wage structure of the Banks is in the melting pot it would be inadvisable to attempt any such approximation at this stage.

This Tribunal has been urged to adopt for Dear Food Allowance the principle that there should be neutralisation at the rate of Annas 3 per point of cost of living index above 100, the present cost of living index being 464. It has been urged that the Kanpur Government-owned electric concern gives Dearness Allowance on that basis, and that the British India Corporation also grants the same rate. Alternatively, it was urged by labour that the Tribunal should grant the Dearness Allowance which is given to the employees of the Reserve Bank of India which is in effect the Dearness Allowance payable by the Central Government at the following rates:—

Pay	Dearness Allowance
Up to Rs. 50	.. Rs. 35 per mensem
Rs. 51—100	.. Rs. 45 per mensem.
Rs. 101—150	.. Rs. 50 per mensem.
Rs. 151—200	.. Rs. 55 per mensem.
Rs. 201—250	.. Rs. 60 per mensem

Before I consider the application of any particular formula I should refer to the history of this Company and its present financial position. This Company which does general insurance business was started in 1934 with an authorised capital of one crore of rupees issued capital of 27 lacs of rupees and paid up capital of 10 lacs of rupees. It is said to have made no profits from 1934—1941, the profits from 1941 to 1944 were small and in 1945, 1946 and 1947 the Company paid 5 per cent dividend to the ordinary share-holders; the preference share-holders have received their full 5 per cent cumulative dividend. In 1948 there was a loss of some 8½ lacs of rupees due to the partition and in 1949 there is an estimated loss of three lacs of rupees said to be due to the tightness in the money market. The Company had three branches in West Pakistan and two branches in East Pakistan which have had to be closed. The Company claims that owing to its financial position it is not in a position to pay anything more by way of Dear Food Allowance, and I have examined more by way of Dear Food Allowance, and I have examined the balance sheets of the Company on this point. It is however necessary for me to discuss the balance

sheets here, for it is axiomatic that fair wages must always have priority over dividends; and if the Company has been able to pay 5 per cent. cumulative dividends to its preference share-holders, it must be deemed to be in a position to pay the advances which I propose to give by this award.

It is however clear that it is not permissible to apply to an insurance company of this kind the scale of Dearness Allowance which is being paid by the highly profitable industrial concerns in Kanpur; nor would it be fair to apply Government of India's scale to the clerks of this firm without taking into consideration what the Provincial Government pays to its employees. While it is true that we must endeavour to raise the standard of living of the workmen and the clerks, the capacity to do so must necessarily be limited by the prevailing circumstances.

The Bombay Tribunal in early 1949 had occasion to deal, by consent of parties, with the Dearness Allowance payable at the branches all over India of the Oriental Government Security Lift Assurance Company Ltd., including Lucknow and Allahabad. The Tribunal decided that at these two branches the Dearness Allowance should be paid at the following rates:

Pay	Dearness Allowance
Salary up to Rs. 50 (inclusive)	Rs. 35
Salary from Rs. 51—100	... Rs. 40
Salary from Rs. 101—175	.. Rs. 51 (plus 10 per cent. of the salary due according to the pay scale as altered by the award).
Salary from Rs. 175—225	.. Rs. 35 (plus 10 per cent. of the salary due according to the pay scale as altered by the award)

It is true that the Free India General Insurance Company Ltd. carries on general insurance business whereas the Oriental Government Security Life Assurance Company deals only in life insurance; it is also true that I am dealing with the Kanpur Head Office staff whereas the award of the Bombay Tribunal decided *inter alia* the Dearness Allowance of the clerical staff of each branch office including Lucknow and Allahabad.

I have given careful consideration to this issue, and while no doubt comparisons are open to objection, it does seem to me that the Dearness Allowance given by the Bombay Tribunal in the Oriental's case to the Lucknow and Allahabad branches does provide a basis for consideration. Upon a computation of all factors, I hold that the reasonable Dear Food Allowance for the Head Office staff of this Insurance Company should be as follows:

For subordinate, Class IV staff: Rs. 25 a month, subject to this, that the basic plus Dear Food Allowance shall not exceed Rs. 60.

For the clerks: An increase on their present Dear Food Allowance at the flat rate of Rs. 10

Such increases to take effect from 1st January 1949.

It was stated by the representatives of the employers that in the event of my raising the Dear Food Allowance of the Head Office, it may become necessary for them to effect economies in the branches by reduction of the wage structure. They are warned that should they do so, it will be contrary to the terms and spirit of this award.

ISSUE No. (2)

The second issue refers to the case of Sri Swami Daval who became an employee of this Company in July 1944. On the 11th of July 1944 he signed the printed application form of the Company after filling in the particulars concerning himself, and he agreed to be bound by the Service Conduct Rules, Leave Rules, etc. applicable to the employees of the Company of his category. Rule 11 of the Service Conduct Rules provides as follows:—

"It shall be open to the management to effect any transfer from one place to another of any one in the employ of the Company. Except for the expenses permissible under the Rules the person transferred shall not be entitled to any higher remuneration nor to raise any objection to such transfer."

Sri Swami Dayal states that during the five years of his service he had not read the Service Conduct Rules. I cannot accept that statement, the more so as he was the Secretary of the Company's Union. It is, however, immaterial whether he actually read them or not so long as he had access to the Rules at all times. If he did not choose to read the Rules he is nevertheless bound by them.

Sri Swami Dayal at first was a despatcher, and later a filing clerk in the record department. His duty, according to him, was to file office copies of all communications leaving the office in their proper places; presumably he also filed the in-coming letters.

On 15th February 1949 (Ex. F) the Company which has branches all over India, informed Sri Swami Dayal that he was transferred to the Company's Branch office at Ranchi in the place of Sri A. Ekka. He was asked to hand over charge to Sri Chatur Beharilal Srivastava and to report to the Branch Manager at Ranchi by 21st February. The Company states that in reply thereto Sri Swami Dayal sent a letter of which Ex. 20 is a copy, reading as follows:—

"Most respectfully I beg to say that as per instructions of the Estt. Superintendent I was asked to hand over my charge to the Record Incharge and the charge was taken over and I have been relieved today as well. I have got no objection in carrying out the official orders, subject to the convenience of my family members. I may also be allowed in advance the Travelling allowance etc., to meet the expenses etc. My family consists of eight members as you may enquire from my service record. Therefore the amount in question may kindly be given to me before 17th instant to get myself prepared for the transfer."

This letter Ex. 20 is a disputed document. The original of Ex. 20 is said to have been lost from the files of the Company. The Company says that Ex. 20 was duly received on 15th February; whereas Swami Dayal in his evidence before me has said that he wrote only 3 or 4 lines of that letter and put it away in his drawer just before he handed over charge and left. This means that that letter was neither completed nor signed by Sri Swami Dayal. It is, however, stated in the Statement of Claim that that letter "cannot be termed as a letter and is only a writing because it was never handed over to the management by Sri Swami Dayal nor was it ever intended to be handed over, and the management have neither acknowledged nor referred to it in any of their letters. He (Swami Dayal) only put that writing in his drawer and when charge was taken from him he was asked to leave his seat immediately and hence being nervous could not take the writing with him."

There is, however, considerable documentary evidence to support the view that this letter was duly written by Sri Swami Dayal and delivered to the management, and perhaps the most important piece of evidence is the fact that a copy of the letter was included amongst the copies of correspondence which the Company gave to Mr. Nigam, the advocate of the Union, when this matter was before the previous Adjudicator. I have no doubt that if this letter was a disputed document, the original would have been scrutinised and objection taken to it then and there. The letter itself is not vital to the case, but it may have been so considered by Sri Swami Dayal; the fact remains that the only person interested in the destruction of that letter would be Sri Swami Dayal himself.

On 16th February (Ex. 9) Sri Swami Dayal apparently changed his mind. He complained that he had been compelled by the Record-in-charge to hand over charge which he did unwillingly, and he asked the Company to reconsider the question of his transfer, stating that his family consisted of eight members, that a transfer would be to the detriment of his brothers and sisters who were having their education at Kanpur, and that the members of his family were not going to allow him to leave Kanpur at any cost. The Company replied by their letter of the 17th February that in view of the difficulties mentioned by him he would get a local allowance of Rs. 10, and he was asked to report for duty at Ranchi by the 21st

The General Secretary of the U. P. Insurance Employees' Association simultaneously took up the question of Sri Swami Dayal's transfer with the Labour Commissioner of the U. P. by his letter of the 17th February Ex. G in which he states: "This transfer has been made without consulting the employee which has always been the practice in the Company and has been forced upon him. He has been asked to join at Ranchi on 21st instant. The general staff has decided to go on strike with effect from tomorrow i.e., 18th February 1949 from 10 a.m. positively", presumably because Sri Swami Dayal had been asked to proceed to Ranchi. In his next letter of 18th February Sri Swami Dayal prays for reconsideration of his case and states "I am quite unable to go to Ranchi". The Company replied on the same day that no reconsideration was indicated. On 19th February Sri Swami Dayal apparently made up his mind that he would comply with the direction of the management as to his transfer for he wrote (Ex. 5): "with a heavy heart I acknowledge your letter of 18th February 1949 and I could not understand how far your allegations of my verbal approval is correct. I am leaving Kanpur by the noon train today otherwise I would have personally come to know the truth of the above fact. Of course I never disobeyed orders of the management since I joined your office. But it never should mean that I agree any willingly."

Sri Swami Dayal states that the reference to his leaving Kanpur meant that he was proceeding to Lucknow, but this does not appear to be probable. The fact, however, remains, that he did not proceed to Ranchi, but on the 21st of February produced a medical certificate to the effect that he was suffering from pneumonia and required leave which he was granted. On 7th March he asked for a further fortnight's leave and attached the medical certificate of another practitioner which stated that Sri Swami Dayal was suffering from the after-effects of the pneumonia. The Company, having allowed him leave for the first period also allowed his second application for leave by their letter of the 9th March Ex. N. In that letter the Company stated that Sri Swami Dayal had been seen by the Secretary in the Office of the Deputy Labour Commissioner round about the time that he was said to be suffering from pneumonia and twice he had not been available in his house; the Company intimated that should Sri Swami Dayal ask for any further leave he would have to produce the certificate of the Civil Surgeon at the cost of the Company. It is relevant to this aspect of the matter to refer to the fact that the Deputy Labour Commissioner of the U. P. Sri M. C. Pant, examined the charge that Sri Swami Dayal was being victimised and came to the conclusion that "this is not at all a case of victimisation". Therefore, this Department, is not prepared to intervene in this behalf. In the course of my enquiry it has been brought to my notice that Sri Swami Dayal had submitted a medical certificate which is warranted by facts. He is reported to be suffering from pneumonia but he has been moving about in the town and has been to this office several times during the period when he was supposed to be suffering from pneumonia". The relevance of this letter is of course the fact that it mentions the movements of Sri Swami Dayal during the period in which he was supposed to be ill, and this was never contradicted or challenged. Sri Swami Dayal has stated in his evidence before me "I had decided not to go (to Ranchi) ill or not ill, as I felt that I was being sent to my doom" and I have no doubt that Sri Swami Dayal's illness had no foundation in fact.

The refusal of Swami Dayal to have himself examined by the Civil Surgeon at the cost of the Company, was wholly untenable. He has stated to the Tribunal that he had no faith in the Civil Surgeon who was related to one of the officers of the Company; but that was never raised in the course of his considerable correspondence nor was it suggested by him at any time that he would be willing to be examined by any other independent Doctor. The facts were such that the Company was perfectly justified in demanding a medical report from a Doctor on whom they could rely. As Sri Swami Dayal would neither go to Ranchi nor agree to be examined by the Civil Surgeon, his services were duly terminated.

Exhibit 8

In the result the position is clear. Sri Swami Dayal had agreed by the terms of his employment to his being transferred to any branch; as soon as he received the order of transfer he decided that he would not go; in pursuance of such decision he filed medical certificates and obtained leave on grounds of health, which I have found were untrue; without sufficient reason he refused to take advantage of the Company's offer to be examined by the Civil Surgeon of Kanpur, so that if it was found that he was unfit to proceed to Ranchi the Company might reconsider his transfer; in effect he did everything he could by improper methods to avoid going to Ranchi.

It is therefore obvious that his removal from service was justified, unless it can be shown that the original order for his transfer proceeded from victimization; and on this subject it is pertinent to observe that the allegation of victimization was not raised until at a very late stage. The complaint had all along been that the transfer had been made by the Company without consulting the employee and without his consent and this complaint had nothing to support it.

As regards the plea of victimization it is urged that the Company decided to transfer Sri Swami Dayal because he had been taking a prominent part in Union activities. A good deal of evidence had been produced on this subject to which I need not refer in detail. Without doubt Sri Swami Dayal was an active member of the Union and was the Secretary of the local Insurance Employee's Union, but it was abundantly clear that the members of the Executive Committee were taking a more leading part in the affairs of the Union, and they were not in any way victimized. The management has produced evidence to show that there had been defalcations in the Ranchi Branch in consequence of which they were obliged to replace certain personnel there. A call was made to the Head Office at Kanpur for a man with experience of Records Department to replace one Sri A. Ekka, who had been absenting himself from duty in Ranchi, the Ass't Manager had reported in writing (Ex. 17) that the records were "in a topsy turvy condition and at present it is very difficult to put any reliance on any of the branch employees till our enquiry is completed". As Sri Swami Dayal was a senior man in the Record Department with five years service to his credit during which period he had earned four increments, it was decided to send him to Ranchi. The management acted as they did in the ordinary course of their business; there had been other instances of transfers in the past; and the management's bona fides on this issue has not been shaken in any way. Sri Swami Dayal has used the expression that he was "being sent to his doom"; he was referring to what happened to Mr. Shroff, an auditor of the Company, who had been sent to Ranchi to investigate the defalcations; Mr. Shroff had been the victim of an attack, presumably because he had discovered too much; it is ludicrous to suggest that any body would be interested in assaulting Sri Swami Dayal who would have been in charge of records.

I hold that there has been no unfair labour practice or victimization in the case of Sri Swami Dayal. His case has been very carefully investigated, and I hold that Sri Swami Dayal is not entitled to any relief.

ISSUE No. (3)

As regards the third issue, the representatives of Labour commenced with the case of Sri E. V. K. Murthi who it was alleged had been dismissed as a result of victimization. After Shri Murthi had been cross-examined, the representatives of Labour stated that they were not pressing the case of Sri Murthi or of any of the other 15 persons mentioned in Issue No. 3. Issue No. 3 is therefore answered in the sense that the persons named therein did not suffer from any unfair labour practice or victimization.

Copy of Exhibit Nos. 8, 17, F, G and N are attached to this Award.

NOW, THEREFORE, THIS TRIBUNAL MAKES ITS AWARD IN TERMS AFORESAID, THIS THE 6TH DAY OF DECEMBER 1949.

F. JEEJEEBHOY,
Chairman,

Central Government Industrial Tribunal,
Calcutta.

The Managing Director,

The Free India General Insurance Company Limited,
Kanpur.

Sir,

Most respectfully I beg to say that as per instructions of the Est. Supdt. I was compelled by our record incharge to hand over my charge which I did though unwillingly but as duty bound I was to carry out the orders at the moment.

Now, Sir, for your kind consideration I lay a following few lines;—

1. I am the only Male earning member of my family consisted of 8 members.

2. Two brothers and 2 sisters are getting their education in local schools and their annual and Board Examination are just near hence they can not leave their studies in the middle.

3. My mother and other family members are not going to allow me to go out of Kanpur at any cost.

Under such circumstances I am unable to go there and therefore I most respectfully request you to kindly reconsider my case.

Thanking you for this act of kindness,

Your most obedient servant,

(Sd.) SWAMI DAYAL,

(Fire Recorder).

Dated 16th February 1949.

Exhibit 17

Secretary,

I wrote a letter to the Managing Director from Ranchi informing him that the accounts are in a terrible mess at the branch and that the Branch Manager has embezzled heavy amount of Money. The records are also in a topsy turvy condition and at present it is very difficult to put any reliance on any of the Branch employee till our inquiry is completed and we are able to know about each of them whether they have been parties to this bungling in the Branch or not.

I may inform you that the Assistant Branch Manager, Calcutta is being transferred to Ranchi to take over the charge from the out-going Branch Manager.

I am of the opinion that an experienced hand from the Head Office should be transferred to Ranchi immediately. The man to be transferred should be a man of confidence and with experience of Records Department.

Please treat this letter as urgent and make some arrangement at an early date.

(Sd.) P. S. MITAL,
Assistant Manager.

5th of February, 1949.

Est. Deptt.

Pl. put up.

(Sd.)

7-2-49.

Exhibit 9

FREE INDIA GENERAL INSURANCE CO., LTD.

Post Box 42,

Kanpur, 15th Feb. 1949.

3891

Syt. S. D. Srivastava,
Record Deptt. (Fire Section),
KANPUR.

You are hereby transferred to Company's Branch Office at Ranchi in the vacany of Syt. A. Ekka. You should handover charge to Syt. Chatur Behari Lal Srivastava, and report to the Branch Manager, Ranchi, by Monday, the 21st February 1949.

Signed.....
for Estt. Superintendent.

From

S. N. Sharma,
General Secretary,
U. P. Insurance Employees Association,
Lucknow.

To

The Labour Commissioner,
United Provinces,
Kanpur.

Dear Sir,

Re: Question of D. F. A. and Victimising Policy of the Free India General Insurance Co., Ltd., Kanpur

I, the bearer of this letter personally approached your goodself with a request to please intervene in the above matter at once to avoid a critical situation.

For your information, it will not be out of place to mention that one Peon attached to Assistant Manager, Smt. Mittal has been asked to throw out of his Quarters and has not been permitted to cook his food even at his residence because he is a member of our Association and is participating in the joint demand of the staff.

Sri Swami Dayal Srivastava is also an employee of the said company and the secretary of the District Office of our Association has been ordered to report on duty at its Rauchi Branch. This transfer has been made without consulting the employees which has always been the practice in the Company and has been forced upon him. He has been asked to join at Rauchi on 21st instant. The General staff has decided to go on strike with effect from tomorrow i.e. 18th February 1949 from 10 A.M. positively.

New Delhi, the 20th December 1949

No. LR.2(215).—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following award of the Industrial Tribunal of which Mr M. C. Shah, Member, Industrial Court, Bombay, was the sole member, in the industrial dispute between the Warden Insurance Company Limited, Bombay, and its employees in its Head Office

BEFORE M. C. SHAH, ESQR, INDUSTRIAL TRIBUNAL
ADJUDICATION

REFERENCE (IT-CG) No 3 OF 1949

Between

The Warden Insurance Company Limited, Bombay
and

Its employees in its Head Office

In the matter of the trade dispute between the Warden Insurance Co. Ltd., Bombay, and its employees in its Head Office, re. basic salary, dearness allowance, overtime allowance, etc.

Mr N. V. K. Rau, Secretary, of the Warden Insurance Co., for the Company.

Mr. B. M. Amin, General Secretary, Warden Insurance Employees' Union, for the employees

Exhibit G

17th Feb. 1949.

I hope you will very kindly give it your special attention and permit me to see you personally for which I await here.

Yours faithfully,
(Sd) S. N. SHARMA,
General Secretary

Exhibit N

MEMO

THE FREE INDIA GENERAL INSURANCE CO., LTD.
Head Office —KANPUR.

Ref No. 6325.

Date 21st March, 1949

To

Shri Swami Dayal Srivastava,
Kursawan,
Kanpur.

We are in receipt of your application dated the 18th instant and note what you say therein. As we wrote to you in our letter No 5893 of the 9th instant, our feeling is that you are alright and can resume duties at our Branch Office, Rauchi.

However, in view of what you state in your application of the 18th instant, we shall like you to present yourself before the Civil Surgeon for examination. We have already fixed up with him for your medical examination and shall ask you that you see Dr S. L. Mital, Civil Surgeon in his office, at Ursula Horseman Hospital at 11 a.m. tomorrow or day after at 12 noon. The fee of the medical examination will, however, be paid by the Company.

Signed

for Estt Superintendent.

AWARD

The industrial dispute between the Warden Insurance Co. Ltd., Bombay, and its employees in its Head Office, in respect of basic salary, dearness allowance, overtime allowance, etc., was referred to me for adjudication by the Central Government under Order No. LR.2(215)II, dated 3rd October 1949, issued by the Government of India, Ministry of Labour, in exercise of the powers conferred by section 7 read with clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947). Before the notices to file statements, etc., could be issued the parties informed me that they had settled the entire dispute out of Court. They were directed to file the memorandum of settlement before me on 17th November 1949 and accordingly they have filed the same (annexed hereto). I make an award in terms of the said settlement. The reference stands disposed of.

(Sd) M. C. SHAH,

(Sd.) K. R. WAZKAR,
Secretary.

Industrial Trib.

Bombay, 29th November 1949

MEMORANDUM OF SETTLEMENT

The Industrial Dispute

Between

The Warden Insurance Co. Ltd., Bombay

and

The Workmen employed under it at its Head Office in Bombay.

In the matter of Pay Scales, Dearness Allowance, Provident Fund, Leave Gratuity etc.

DEMANDS ASKED BY UNION

DEMANDS OFFERED BY THE MANAGEMENT AND ACCEPTED BY THE UNION

1. Basic Salary and Grades.—

(a) Revised Scales—

The basic salary and grades of the Employees of the Warden Insurance Co. Ltd. should be revised retrospectively as from the 1st April 1947, as under :

(1) Clerks—

Rs. 90—7—125—10—175—15—250—20—350—in 20 years without any efficiency bars.

(2) Operators, Adremamen, Typists and the like.

(3) Steno typists—

Rs. 25/- more than that of a clerk.

(4) Peons—

Rs. 50—3—80—4—120 in 20 years.

(5) Havaldars—

Rs. 15/- more than that for a peon.

(a) Revised scales—

The basic salary and grades of the Employees of the Warden Insurance Co. Ltd. will be revised retrospectively as from 1st May 1949 as under :

(1) Clerks—

Rs. 70—5—100—10—150—E.B.—5—155—15—275 in 20 years.

(2) Operators, Adremamen, Typists, and the like—working on machines for the whole day : Rs. 5/- more than that of a clerk.

(3) Steno-Typists—

Voluntarily withdrawn by the Union.

(4) Peons—

Rs. 35—3—50—4—70—5—120 : in 20 years.

(5) Havaldars, Liftman, Sweepers and Pathan will be paid at

Rs. 10/- more than that of a peon.

(6) Liftman—

Rs. 60—5—110—6—140 in 15 years.

(7) Motor Drivers—

Rs. 100—8—140 10 190 in 10 years.

(b) Adjustments—

(a) The adjustment of the basic salary of the employees should be made according to the principle of "Point to point calculation".

(b) After the adjustments have been made and increments granted to an employee, he should be stepped up to the nearest figure in the revised scale if the amount of salary with the increment as aforesaid falls short of the amount to graded step.

(c) After the salaries adjusted as aforesaid, no Employee should be staggered and that every employee should continue to get future annual increments.

Dearness allowance.—

Every employee should be granted a Dearness Allowance on the following basis with retrospective effect from 1st April 1947 as under:—

Pay Range D.A. Admissible

Up to Rs. 50/-	Rs. 50/-
Up to Rs. 51—100	Rs. 60/-
Up to Rs. 101—150	Rs. 65/-
Up to Rs. 151—200	Rs. 70/-
Up to Rs. 201—250	Rs. 75/-
Up to Rs. 251—350	Rs. 80/-

3. House allowance and Bombay Compensatory allowance.—

Every employee should be granted, House Allowance and Bombay Compensatory Allowance on the basis of the Scheme adopted by the Government of India in their Pay Commission Report for its employees with retrospective effect from 1st April 1947 as under:—

Pay Range House Allowance Pay Range Bombay Compensatory Allowance Admissible

Rs.	Rs.	Rs.	Rs.	Rs.
Up to 50/-	10/-	Up to 35/-	5 0 0	
Up to 51—100	15/-	Up to 36—60	7 8 0	
Up to 101—250	20/-	Up to 61—80	10 0 0	
Above 251/-	10% of the basic salary.	Up to 81—140	12 8 0	
		Up to 141—200	15 0 0	
		Up to 201—300	17 8 0	
		Above Rs. 300	20 0 0	

4. Overtime Allowance.—

No Employee should work before or after office hours or on such a contingency arises due to extra ordinary circumstances, an Employee should be paid double the rate of salary.

5. Bonus to Staff.—

Bonus should be paid from 1946 to all the employees unconditionally at the rate of at least 2 months salary per annum whether they are in service during the year to which the bonus relates. Proportionate Bonus should be paid to the employees who may not have completed one year's service during the year in question. Bonus should be computed on the basis of the days of service in the company in the year for which the bonus becomes due.

6. Leave.—

(a) Privilege Leave.—

30 days in a year with full pay and allowance with a right to accumulate the same upto a total period of 90 days.

(b) Sick Leave.—

30 days with full pay and allowance for each year of service.

(c) Casual Leave --

20 days with full pay and allowance in a year. Casual leave should be allowed to be prefixed or suffixed to Holidays, and should be granted 8 days at a time if so desired.

7. Provident Fund.—

Provident Fund Scheme should be adopted for every employee retrospectively as from 1st April 1947, on the following basis:

The Company should deduct from the salary of each Employee at the rate of one anna in a rupee of the basic salary and the Company should contribute an equivalent amount to the Provident Fund account of such employee at the end of every year's service.

8. Insurance Scheme.—

Employees should be given a reduction in premium equal to 50% subject to a maximum sum assured upto Rs. 10,000/- and the amount of premium may be adjusted from the Provident Fund at the discretion of the Employee.

9. Vacancies and Promotions.—

Whenever vacancies occur for the higher posts, members of the staff in the subordinate positions should be given preference to fill such vacancies on the principles of merit and seniority but outsiders should not be invited to fill such positions as far as possible.

(6)

(7) Scale of the Motor Drivers will be same as that of the Clerks.

(b) Adjustments—

(a) The adjustments of the Basic salary and extra under 1 (a) (5) of the Employees will be made according to the principle of "Point to point calculation".

(b) After the adjustments have been made and increment granted to an employee he will be stepped up to the nearest figure in the revised scale the amount of salary with the increments as aforesaid falls short if the amount to graded step.

(c) This is agreed to by the Company provided, however, that the Company's right to stop or withhold the increment or increments for justifiable reasons shall not be effected.

2. Dearness allowance.—

Every employee will be granted a Dearness Allowance on the following basis with retrospective effect from 1st May 1949 as under:—

Rs.

For Clerks and Motor Drivers 40

For Peons, Havaldars, Liftman, Pathan and Sweepers 30

3. House allowance and Bombay Compensatory Allowance.—

VOLUNTARILY WITHDRAWN BY THE UNION.

4. Overtime Allowance.—

Subject to Shops & Establishments Act, the extra hours of the Staff Members are paid at 4 hours extra equal to one day average salary. The rest of the demand is not pressed.

5. Bonus to Staff.—

VOLUNTARILY WITHDRAWN BY THE UNION.

6. Leave.—

(a) Privilege Leave.—

30 days will be allowed per year to members of the staff excepting to Probationers and temporary employees with full pay and allowance and will be allowed to be accumulated for a period of one year but should be utilised in the subsequent year.

(b) Sick Leave.—

30 days will be allowed with full pay and allowance in case of serious illness for each year of service after producing the necessary medical certificate to the satisfaction of the management whose decision shall be final.

(c) Casual Leave.—

12 days with full pay and allowance in a year. No leave of this class can be granted to a member for more than 2 consecutive days. The Management reserves right to refuse casual leave if it is not satisfied as to bona fide reasons thereof. Other rules and regulations for the members of the staff at present in force will continue.

7. Provident Fund.—

This is already in existence from July 1945 at the rate of 1/12th of amount of the Monthly basic salary and equal contribution by the company.

8. Insurance Scheme.—

The Members of staff have been given the facility of Insurance Agencies in their own name for canvassing insurance in addition to their own proposals and usual rate of commission in accordance with Insurance Act, 1938 has been allowed or they have the option to have the facility of 10% annual Rebate as per prospectus. There is a Clause in Provident Fund Rules that such insurance premium can be appropriated from the Provident Fund subscription. The rest of the demand is not pressed.

9. Vacancies and Promotions.—

VOLUNTARILY WITHDRAWN BY THE UNION.

10. Gratuity.—

A gratuity scheme should be introduced for the benefit of the employees or their relatives as under :

- (a) On the death of an employee while in the service of the Company, one month's salary for each year of service subject to a maximum of 20 months salary should be paid to his heirs, executors or nominees.
- (b) On voluntary retirement or resignation of an employee 20 months salary for a continuous service of 10 years in the Company.
- (c) On termination of the employee's service by the Company which includes dismissal except by fraud.
 - (1) One month's salary for each year of service after a continuous service of 3 years but less than 10 years in the Company.
 - (2) 15 months salary for each year of service after a continuous service of 10 years but less than 15 years in the Company.

NOTE.—“Salary” for the purpose of calculating gratuity shall mean a substantial salary (exclusive of all allowances) of the employee concerned on the day when he ceases to be in the employment of the Company. The Company may at its discretion grant gratuity in excess of the above.

11. Victimisation.—

Mr. G. N. Pai, Assistant Secretary of the Union, Mr. S. K. Kclay, General Secretary, Mr. G. P. Salian, should be reinstated in the Company from the date of their respective dismissal, and should be paid back the wages including allowances as they may be entitled to from the date of their dismissal, till the date of their re-instatement without in any way affecting adversely their service conditions or continuity of service.

I, the undersigned, General Secretary of the Warden Insurance Employees' Union agree to the above Memorandum of settlement, unanimously approved by the General Body of the Union held on 19th October 1949.

For the Warden Insurance Employees' Union,

B. M. AMIN,
General Secretary.
17-11-49.

I, the undersigned, Secretary of the Warden Insurance Co. Ltd., Bombay, agree to the above Memorandum of settlement.

For the Warden Insurance Co. Ltd.,
N. V. K. RAU,
Secretary.
17-11-49

Before me,
M. C. SHAH,
Industrial Tribunal,
17-11-49.

N. C. KUPPUSWAMI, Under Secy.

New Delhi, the 23rd December 1949

No. L.R.2(225).—In pursuance of section 17 of the Industrial Disputes Act (XIV of 1947), the Central Government is pleased to publish the following three awards of the Industrial Tribunal, Dhanbad, in the industrial disputes between the workmen of collieries of the Tata Iron and Steel Company Limited and their managements.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT DHANBAD

REFERENCE No. 8 or 1949

In the matter of an industrial dispute between the workmen of the Jamadoba and 6 and 7 Pits Collieries of the Tata Iron and Steel Company Limited and their management concerning the wages of hookmen.

PRESENT:

Shri S. P. Varma, Barrister-at-Law, Chairman, Central Government Industrial Tribunal.

PARTIES:

For the Management: Shri B. K. Mitra, Advocate with Shri S. C. Ghosh, Superintendent of Tata Collieries and Mr. B. H. Engincer, Deputy Superintendent of Tata Collieries.

For the Workmen: Mr. M. John, M.L.A., General Secretary, Indian National Coalmine Workers' Federation, with Shri Shiv Kali Bose and Shri Kanti Mehta.

AWARD

The Government of India, in the Ministry of Labour, has referred this dispute to this Tribunal by a Notification No. L.R.2(225), dated 20th August 1949. The Notification runs as follows. —

“WHEREAS an industrial dispute has arisen between the workmen of the Jamadoba and 6 and 7 Pits

10. Gratuity.—

A gratuity scheme will be introduced for the benefit of the employees or their relatives as under :

- (a) On the death of an employee while in the service of the Company half month's salary for each year of service up to five years of service; 3/4 of one month's salary for each year of service up to 10 years of service and above ten years of service one month's salary for each year of service, subject to a maximum of 15 months.

(b) Voluntarily withdrawn by the Union.

(c) Voluntarily withdrawn by the Union.

NOTE.—“Salary” for the purpose of calculating gratuity shall mean a substantial salary (exclusive of all allowances) of the employee concerned on the day when he ceases to be in the employment of the Company. The Company may at its discretion grant gratuity in excess of the above.

11. Victimization.—

Voluntarily withdrawn by the Union.

I, the undersigned, Secretary of the Warden Insurance Co. Ltd., Bombay, agree to the above Memorandum of settlement.

For the Warden Insurance Co. Ltd.,
N. V. K. RAU,
Secretary.
17-11-49

Before me,
M. C. SHAH,
Industrial Tribunal,
17-11-49.

N. C. KUPPUSWAMI, Under Secy.

Collieries of the Tata Iron and Steel Company Limited and their management concerning the wages of hookmen;

AND WHEREAS the Central Government considers it desirable to refer the dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal at Dhanbad constituted under Section 7 of the said Act.”

2. The case of the Union is that the Conciliation Board's award of 12th May 1947 had recommended an increase of 50 per cent. in the 1939 basic wage for Trolleymen, irrespective of the fact whether they were piece-rated or time-rated. The employers as usual interpreted the recommendation in their own way and applied its provisions to the piece-rated trolleymen and depriving the time-rated trolleymen the benefits of the Conciliation Board's Award. Consequently there was an acute dissatisfaction among the time-rated trolleymen. The dispute was then referred to Shri S. C. Joshi, the then Chief Labour Commissioner to the Government of India who recommended only 25 per cent. increase of their 1939 basic wage and that too when the existing rate for trammers did not exceed As. 10 per day. The relevant portion of the agreement regarding the increase in wage rates of time-rated trammers runs as follows:—

“The trammers and trolleymen who are on daily rates of wages should get an increase of 25 per cent. in their present basic wage where it does not exceed 10 annas per day.

In collieries, however, where an increase in the basic rate of 1939 has already been granted in excess of 25 per cent. after May 12, 1947, the new basic wage thus arrived at should not be reduced.”

3. The Union states that this recommendation was not in conformity with the Conciliation Board's Award. They further allege that only of labour representatives who

represented only a small section of labour agreed to the terms of the Award. The present Indian National Coalmine Workers' Federation representing the workmen started protesting ever since its inception on the 21st March 1949. Then they proceed to say that the recommendation of the Joshi Agreement to give 25 per cent increase on the basic wages of 1939 was not implemented in the case of Hookmen just because their designation was slightly different. They further allege that a Hookman is one who hooks the trolleys and accompanies them up and down the incline. His work is hazardous and risky and that usually this job is given to the most efficient and experienced trolleyman. After mentioning these facts the Union point out that the trolleyman's basic wage in Jamadoba is Rs. 10 per day while that of hookman was Rs. 11 per day. As a result of Joshi Agreement the basic wage of trolleymen was increased by 25 per cent with the result that his basic wage became Rs. 12/6 and that of the hookmen remained the same as before i.e. to say at Rs. 11. This they described as an anomalous position. They tried to move the management for a sympathetic consideration of their case but the dispute was not amicably settled. Therefore the workers gave a 14 days' strike notice on 14th September 1948. The Regional Labour Commissioner (Central) intervened but he did not succeed in bringing about a settlement and this matter was ultimately referred to the Ministry of Labour who in turn referred this case to this Tribunal.

4. The Union's contention is that there should be an increase of 50 per cent of the wages of hookmen. The management on the other hand in their statement urge that in view of the Joshi Agreement about the interpretation of the Conciliation Board's Award claim for increment of hookmen's wages cannot be entertained. They deny the allegation made by the workmen in their statement that Joshi Agreement did not have the approval of the workers at large. They further urge that as the hookmen got more than Rs. 10 they could not claim an increment on account of the Joshi agreement. They further say that they agreed to raise the rate of hookmen to Rs. 12/6 per day but it was refused by the workers. They pray that the 25 per cent increment to the trolleymen alone should be maintained and the Union's prayer to increase the wages of hookmen should be disallowed.

5. The memorandum on behalf of the workmen was filed on 15th September 1949 and on behalf of the company on 10th October 1949. A local inspection was held by the Chairman on the 4th November 1949 in order to understand the nature of the work done by the hookmen and the other types of workmen referred to in Reference No. 9 and Reference No. 10 of 1949. The inspection note about the hookmen runs as follows.—

"A hookman is a person who derived his name from the duty of attaching a hook attached to the hauling cable to the tubs. His further duty is to go along with the tubs when they are pulled up or sent down along an incline. The hookman whom we saw at work was working in an incline where the distance to be covered by the tubs is 8,500 feet.

He has to signal and arrange for putting back the tubs on the line in case of derailment."

This note was signed by the parties expressing an agreement to the points mentioned therein.

6. According to a note submitted by the Company it appears that the hookmen in Jamadoba and 6 and 7 pits get Rs. 11 per day as their basic wage. In 6 and 7 pits however three underground trammers have been authorised to work as hookmen and they are getting their existing rate of wages at Rs. 12/6 per day. The number of hookmen in Jamadoba is 17 and that in 6 and 7 pits collieries 8 (eight).

7. Before dealing with the merits of the case I should like to deal with the point of law raised by Shri B. K. Mitra that this reference and the References Nos. 9 and 10 are incompetent inasmuch as there was a Conciliation Board's Award dated 12th May 1947 and the Joshi Agreement of February 1948. Unless the courses mentioned under Sections 18(a) and 19(2) of the Industrial

Disputes Act (Act XIV of 1947) were taken up no reference should have been made by Government. I can dispose of this matter very shortly by referring to Sections 18 and 19 of the Industrial Disputes Act (XIV of 1947). Section 18 runs as follows:—

"A settlement arrived at in the course of conciliation proceeding under this Act or an award which is declared by the appropriate Government to be binding under sub-section (2) of Section 15 shall be binding on . . ."

and Section 19(1) runs as follows:—

"A settlement arrived at in the course of a conciliation proceeding under this Act shall come into operation on such date as is agreed upon on the date on which the memorandum of the settlement is signed by the parties to the dispute."

(2) Such settlement shall be binding for such period as is agreed upon by the parties, and if no such period is agreed upon, for a period of six months, and shall continue to be binding on the parties after the expiry of two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties to the settlement."

I have underlined the important portion.

8. From the above quotations it is clear that the settlement that is referred to is a settlement under the Industrial Disputes Act (XIV of 1947). Whereas the Conciliation Board's Award was an award under Section 3 of the Trade Disputes Act of 1929. By reference to the Trade Disputes Act, 1929 it will be seen that the provisions of Sections 18 and 19 of the Industrial Disputes Act, 1947 (XIV of 1947) are not clearly indicated. Therefore this argument of Shri B. K. Mitra has failed especially when this matter comes under the definition of an Industrial Dispute. It has been pointed out that there is no indication that there was a dispute between Banks-men, Onsetters and Points-men. But from a letter dated 5th October 1948 it appears that there was some such dispute. This question of jurisdiction must be decided against the employers.

9. There is another matter to which I should like to refer and that is that an application by Shri B. N. Sharma, General Secretary, Tatas Collieries Labour Association, Jamadoba, praying that his Association should be made a party and that the Indian National Coalmine Workers' Federation had no authority and was not competent to represent the workers before this Tribunal. Before the References were taken up on merits and after some discussion Mr. Pal, Pleader, representing the Tatas Collieries Labour Association retired from the case proposing that they will take up the matter with the Government of India.

10. Coming now to the merits of the case it appears that the majority of the hookmen are getting Rs. 11 per day, except three trammers who are working as hookmen and are drawing Rs. 12/6 per day. Shri Kanti Mehta on behalf of the Indian National Coalmine Workers' Federation urged that they should get an increment of at least 50 per cent according to the Conciliation Board's Award, and that at the time of Joshi Agreement the labour was not fully represented. But it must be remembered that at least an appreciable number of labourers were represented by Shri B. P. Sinha and Shri Jagadish Pandey and that gives an indication that at that time the workers like trammers or trolleymen on daily rated wages said that they should get an increase of 25 per cent in their basic wage where it does not exceed Rs. 10 per day. Now that this matter has come up in the shape of an industrial dispute before this Tribunal, we have to consider whether the basic wage of Rs. 11 should be increased.

11. Some witnesses were examined on behalf of the management and they were cross-examined also. Shri R. K. Kunai, Assistant Manager of 6 and 7 pits of Jamadoba has produced Exs. A 1, A 2 and A 3. Ex. A 1 is a letter on behalf of 11 persons but with only 9 thumb impressions, in which the writers expressed their willingness to accept Rs. 12/6 per day if they are paid at that

rate from March 1948. The letter itself is dated 6th September 1948. Ex. A 2 is a letter from the hookmen of the Jamadoba colliery and they claim that they were originally trolleymen and as they were promoted to hookmen they should get an increment. Ex. A 3 is a strike notice dated 14th September 1948.

12. The second witness was Shri T. P. Chidambar, Senior Personnel Officer, Indian Mining Association, who produced Exhibits B.1, B.2, B.2a, B.3, B.3a, B.4, B.4a, B.4b, and Ex. B.5. These are replies to his enquiry from various companies showing the rates that the companies are paying to the workers like banksmen, and onsetters. The third witness was Shri S. C. Ghosh, Superintendent of Tata Collieries. His statement is to the effect that people getting As. 11 per day should not get any increment under the Joshi Agreement. But it must be remembered that they themselves were ready to go up to As. 12/6 per day. He also stated that hookmen are generally recruited from trolleymen and the work of a hookman is a little more hazardous than that of a trolleyman but not strenuous. The condition of work is not trying. The hookmen that we are dealing with, I may mention, are those in charge of mine tubs.

13. In view of the attitude of the company that they were prepared to pay As. 12/6 per day to the hookmen although they were getting As. 11 and considering also the fact that they are usually recruited from trolleymen who have got an increment at the rate of 25 per cent under the Joshi Agreement, I think that in the case of the hookmen of Jamadoba and 6 and 7 pits the rate of wages be increased to As. 13/6 made up as follows—

Basic wage As. 10 plus 25 per cent. of As. 10 (As. 2/6) plus one anna

The wages of hookmen in 6 and 7 pits who are already getting As. 12/6 will also be raised to the same level as the other hookmen, i.e., As. 13/6.

The raise in wages of the categories mentioned in this award will be given effect to from the date of the publication of this award.

Now, THEREFORE, the Tribunal makes its award in terms aforesaid,

S. P. VARMA,

Chairman,

Central Government Industrial Tribunal,
Dhanbad.

DHANBAD;

Dated 9th December 1949.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 9 of 1949

In the matter of an industrial dispute between the workers of the Jamadoba and 6 and 7 pits Collieries of the Tata Iron and Steel Company, Limited, and their management concerning the wages of banksmen, onsetters, loosemen and pointsmen

PRESENT.

Shri S. P. Varma, Barrister-at-Law, Chairman, Central Government Industrial Tribunal

PARTIES

For the Management Shri B. K. Mitra, Advocate, with Shri S. C. Ghosh, Superintendent of Tata Collieries and Mr. B. H. Engineer, Deputy Superintendent of Tata Collieries

For the Workmen Mr. M. John, M.L.A., General Secretary, Indian National Coalmine Workers' Federation, with Shri Shuv Kali Bose and Shri Kanti Mehta

AWARD

The Government of India, in the Ministry of Labour has referred this dispute to this Tribunal by Notification No. I. R. 2(225), dated 18th October 1949, in the following terms.

"WHEREAS an industrial dispute has arisen between the workmen of the Jamadoba and 6 and 7 pits collieries of the Tata Iron and Steel Company Limited, and their management concerning the wages of banksmen, onsetters, loosemen and pointsmen,

AND WHEREAS the Central Government considers it desirable to refer the dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal at Dhanbad constituted under Section 7 of the said Act."

2. Before dealing with the case it is necessary to mention the nature of the work done by the various kinds of workers mentioned in the Notification. A banksmen has to fit in the trolleys in the cage and he gives signals at the surface for the lift both to the winding engine man as well as to the onsetter underground. He has to lock and unlock the cage and to keep a correct record of the loaded tubs. An onsetter is a person who performs duties similar to the banksmen underground. Both of them have got to give different signals for different kind of freight. A pointsman is a person who is in charge of a certain contrivance which is pushed on to the lines when the train of tubs has passed the point where the pointsman is posted. The idea is that if the train of tubs runs back for some reason the block which is pushed on the line by the pointsman, derails the train and avoids much damage. The management states that this kind of job of pointsman is usually given to the men who are about to retire but the Union did not accept that statement. In the case of derailment he has also to help the trammers and hookmen to put the cars back on the line. When I held the local inspection I really saw some middle-aged people working as pointsmen. The number of banksmen in Jamadoba is six (6) and in the 6 and 7 pits the number is 7 (seven). The number of onsetters in Jamadoba is 9 (nine) and in 6 and 7 pits 7 (seven). The number of pointsmen in Jamadoba is 6 (six). There are no pointsmen in 6 and 7 pits. So far as loosemen are concerned the parties have agreed that there are no workers of that designation, in those collieries.

3. Taking the case of banksmen and onsetters first I find that in Jamadoba the banksmen and onsetters get As. 11 per day and in the 6 and 7 pits the banksmen get As. 11 per day. The onsetters get As. 11 1/2 per day. The pointsmen get As. 10 per day at Jamadoba. There are no pointsmen in 6 and 7 pits colliery, according to the notes submitted by the Union.

4. Shri S. C. Ghosh was examined on behalf of the colliery who stated that the duties of banksmen and onsetters are not like that of trammers nor do they work under trying conditions. He also stated that there are no working collieries in West Bengal under Tatas, a statement which has not been questioned by the other side. He further stated that banksmen and onsetters are not necessarily recruited from among the trammers. At times some may be recruited but not generally. With regard to the pointsmen he says that they are only derailers and not diverters. Diversion may be done by hookmen. Pointsmen after derailment help in putting the cars on the rail like any other person.

5. I notice a slight difference in the wages paid to the banksmen and onsetters in the 6 and 7 pits collieries. The banksmen in those pits are getting As. 11 whereas the onsetters are getting As. 10. I asked for the reason for this difference but the reply that I got from the management was that the reasons may be historical. Looking at the wages of the banksmen and onsetters it appears that their wages are similar to that of the hookmen. As I have raised the wages of the hookmen to

As. 13/6, the banksmen and onseiters in Jamadoba and 6 and 7 pits collieries should also get the same amount as the hookmen there.

6. Coming now to the case of the pointsmen I find that it presents some difficulties. There are only 6 pointsmen in Jamadoba and there are no pointsmen in the other Tata Collieries. Their work is not very trying and no specific argument was advanced why their wages should be raised. I would not touch the wages of the pointsmen.

The raise in wages of the categories mentioned in this award will be given effect to from the date of the publication of this award.

Now, THEREFORE, the Tribunal makes its award in terms aforesaid.

S. P. VARMA,

Chairman,

Central Government Industrial Tribunal,

Dhanbad.

DHANBAD;

Dated 9th December 1949.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT DHANBAD

REFERENCE NO. 10 OF 1949

In the matter of an industrial dispute between the workmen of all the collieries of the Tata Iron and Steel Company Limited, in the provinces of West Bengal and Bihar and their management, concerning the wages of hookmen, banksmen, onsetters, loosemen and points-men.

PRESENT:

Shri S. P. Varma, Barrister-at-Law, Chairman, Central Government Industrial Tribunal.

PARTIES:

For the Management Shri B. K. Mitra, Advocate, with Shri S. C. Ghosh, Superintendent of Tata Collieries and Mr. B. H. Engineer, Deputy Superintendent of Tata Collieries.

For the Workmen Mr. M. John, M.I.A., General Secretary, Indian National Coalmine Workers' Federation, with Shri Shiv Kali Bose and Shri Kanti Mehta.

AWARD

The Government of India, in the Ministry of Labour has referred this dispute to this Tribunal by Notification No. L.R.2(225), dated 18th October 1949, in the following terms:

"WHEREAS an industrial dispute has arisen between the workmen of all the collieries of the Tata Iron and Steel Company Limited, in the Provinces of West Bengal and Bihar and their management, concerning the wages of hookmen, banksmen, onsetters, loosemen and points-men;

AND WHEREAS the Central Government considers it desirable to refer the dispute for adjudication;

Now, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute except the dispute relating to the Jamadoba and 6 and 7 pits collieries, for which a separate order is made for adjudication to the Industrial Tribunal at Dhanbad constituted under Section 7 of the said Act."

2. In this connection I may mention that there are no working collieries in West Bengal under the Tatas. There are no hookmen in Bhelatand colliery nor in Malkera and Choitodih colliery. I have already stated that there are no pointsmen in any of the collieries under Tatas except in Jamadoba. There are no workers with the designation of loosemen in any of the collieries of Tatas. In Digwadih and Sijua the hookmen are getting As. 11 and As. 12 respectively, the banksmen get As. 11 and As. 9, the onsetters get As. 10 and As. 9 respectively. In Bhelatand colliery there are no hookmen and the banksmen get As. 9 and onsetters get As. 9. In Malkera and Choitodih the banksmen get As. 9 and onsetters As. 9. Evidently the difference in the wages of the banksmen and onsetters in the various collieries is due to the difference in the strenuous nature of the work in these collieries. For the reasons given in Reference No. 8 of 1949 I would raise the wages of hookmen in Digwadih and Sijua to As. 13/6 per day basic. In Digwadih the wage of the banksmen and onsetters is raised to As. 13/6. In Sijua and Bhelatand and Malkera Choitodih collieries I would follow the lines indicated in the Joshi Agreement and raise the wages of the banksmen and onsetters who were getting at present As. 9 by 25 per cent., i.e., As. 11/3 and to make it a round figure I would give As. 11/6 per day basic.

The revised rates will be available from the date of publication of this award.

Now, THEREFORE, the Tribunal makes its award in terms aforesaid.

S. P. VARMA,

Chairman,

Central Government Industrial Tribunal,

Dhanbad.

DHANBAD;

Dated 9th December 1949.

New Delhi, the 26th December 1949

No. LR-2(258)I.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following interim award of the All India Industrial Tribunal (Bank Disputes), in the industrial dispute regarding interim relief, between certain banking companies and their employees in the province of West Bengal:—

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL

(BANK DISPUTES), BOMBAY.

ADJUDICATION

BETWEEN

The Banking Companies covered by Schedule I to the Government Notification in the Ministry of Labour, No. LR-2(212) dated the 18th June 1949, and having head offices, branches, etc., in the province of West Bengal.

AND

Their Workmen.

In the matter of a dispute re Interim Relief

PRESENT:

Mr. K. C. Sen, Chairman,

Mr. J. N. Majumdar, Member,

Mr. N. Chandrasckhara Aiyar, Member.

APPEARANCES:

Dr. S. K. Gupta instructed by Messrs. Sandersons and Morgans, Solicitors for the Imperial Bank of India,

Mr. H. C. Captain for the Central Bank of India, Mr. Tanubhai Desai with Mr. B. T. Thakur for the United Commercial Bank Ltd.,

Mr. P. N. Sen with Mr. S. N. Sen for the Bengal Central Bank Ltd.,

Mr. M. M. Deshmukh for the Bank of Baroda,

Mr. S. N. Sen with Mr. Tanubhai Desai for the Comilla Banking Corporation,
 Mr. A. C. Bhat for the Bank of Behar, Ltd.,
 Dr. S. B. Dutt and Mr. S. N. Sen for the Comilla Union Bank Ltd.,
 Mr. S. N. Sen for the Hindustan Mercantile Bank Ltd.,
 Mr. P. P. Ginwalla instructed by Messrs. Orr Dignam & Co., Solicitors, for the Lloyds Bank Ltd., and Eastern Bank Ltd.,
 Messrs. Fowler & Company, Solicitors, with Mr. Kennedy for the Allahabad Bank, Ltd.,
 Mr. Somesh Chandra Sharma for the Punjab National Bank Ltd.,
 Mr. S. J. Rustomji, Agent, for the Bank of India, Mr. S. K. Bose, instructed by Mr. B. P. Khaitan for the Hindustan Commercial Bank Ltd.,
 Mr. S. K. Mullick of Messrs. Sandersons and Morgans with Mr. Macfarlane, the Accountant, for the Chartered Bank of India, Australia and China, Ltd.,
 Mr. S. K. Mullick of Messrs. Sandersons and Morgans with Mr. Peterson, the Accountant, for the Hongkong Bank Ltd.,
 Mr. S. K. Mullick of Messrs. Sandersons and Morgans for the National Bank of India, Ltd.,
 Mr. G. N. Trikannad, General Secretary, for the Federation of Bank Employees, Bombay and for the employees of the Bank of India, Calcutta Branches and Nath Bank Ltd.,
 Mr. S. N. Tagore, President for the All India Bank Employees' Association,
 Dr. Roy Chowdhary with Mr. S. N. Tagore and Mr. Jyoti Ghose for the Imperial Bank of India, Bengal Circle,
 Counsel Mr. Sadhan Gupta for the Bank of Baroda Calcutta Staff Association; for the United Commercial Bank Employees' Association,
 Mr. Dulal Chandra Sarkar for the Hongkong & Shanghai Banking Corporation (Calcutta Branch) Indian Staff Union,
 Mr. M. M. Sen for the Chartered Bank of India, Australia and China Staff Employees' Union and also for the Bengal Provincial Bank Employees' Union,
 Mr. Sudhindra Mohan Deb for the Comilla Union Bank Employees Association,
 Mr. Jatin Chakravarty for the Punjab National Bank Employees' Association,
 Mr. Kalidas Roy with Mr. Naresh Paul for the Central Bank of India Employees Association,
 Mr. T. K. Pande with Mr. N. C. Das for the Bharat Bank Employees' Association.
 Mr. A. K. Dutta with Mr. S. Sen Gupta for the Hind Bank Employees' Union,
 Mr. S. Sen with Mr. H. N. Das for the Mercantile Bank of India Employees Union (Calcutta and Howrah),
 Mr. J. C. Sen with Mr. M. Banerjea for Comilla Banking Corporation Employees' Association,
 Mr. Provat Kar with Mr. Asoke Ghosh for the Lloyds Bank Indian Staff Association,
 Mr. M. Chakravarty with Mr. K. Sen for the Allahabad Bank Indian Staff Association,
 Mr. S. C. Maulik with Mr. T. N. Guha Roy for the Eastern Bank (Calcutta Branch) Indian Employees Union,
 Mr. Hiren Roy for the Hindustan Commercial Bank Employees Association,
 Mr. S. M. Rakshit with Mr. P. B. Das for the Hindustan Mercantile Employees Union,
 Mr. R. K. Das for the Bank of Assam Employees Union,
 Mr. Subodh Mazumdar, for the Netherlands Trading Society Indian Staff Association.

Mr. Ananda Gopal Banerjea with Mr. Provat Kar for the Bengal Provincial Bank Employees Association.
 Mr. Yahya with Mr. S. K. Chanda for the Habib Bank Employees Association.
 Mr. K. L. Roy for the Bengal Central Bank Employees' Association.
 Mr. Satindra Nath Rai for the Comilla Union Bank Nimna Betun Karinachari Sang,
 Mr. G. N. Trikannad for the Bank of Bihar Employees Association and the Grindlay's Bank Ltd., Employees Union.

AWARD

In the course of this Tribunal's hearing of the dispute referred to them by the Central Government's Notification in the Ministry of Labour, No. LR-2(212), dated the 13th June 1949 claims for interim relief had been advanced on behalf, among others, of the workmen of certain Banking Companies which have their head offices or branches in West Bengal. The names of those Banking Companies are given below:—

1. Allahabad Bank Ltd.,
2. Bank of Assam Ltd.,
3. Bank of Baroda Ltd.,
4. Bank of India Ltd.,
5. Bengal Central Bank Ltd.,
6. Bharat Bank Ltd.,
7. Central Bank of India, Ltd..
8. Comilla Banking Corporation Ltd.,
9. Comilla Union Bank Ltd.,
10. Eastern Bank Ltd.,
11. Grindlay's Bank Ltd.,
12. Hind Bank Ltd.,
13. Hindustan Commercial Bank Ltd.,
14. Hindustan Mercantile Bank Ltd.,
15. Imperial Bank of India Ltd.,
16. Lloyds Bank Ltd.,
17. Mercantile Bank of India, Ltd.,
18. Netherlands India Commercial Bank Ltd.,
19. The Punjab National Bank Ltd.,
20. United Commercial Bank Ltd.

The Tribunal heard this matter at Calcutta. Dr. S. K. Gupta on behalf of the Imperial Bank of India, Bengal Circle, raised certain preliminary objections as follows: (a) Government were not "aware" of any demand for interim relief, no demand having been made by the 13th June 1949, and as it was a demand different from the demands regarding pay and dearness allowance, it would not be proper for the Tribunal to consider this question in isolation from other matters with which it is intimately connected. (b) The Bengal Circle of the Imperial Bank extends over whole of the Northern India and in this inquiry, which is admittedly one into local matters, it would not be proper to consider the question of interim relief to be given to the whole body of employees who reside within the said circle.

2. We do not think that these objections have any real substance. Interim relief has, as a matter of fact, already been granted by some of the Awards made by this Tribunal. Under section 2(b) of the Industrial Disputes Act (XIV of 1947) an Award means 'an interim or final determination by an Industrial Tribunal of any industrial dispute or of any question relating thereto.' This Tribunal is thus undoubtedly competent to go into the question of interim relief and grant it, if necessary. As to the extent of Bengal Circle of the Imperial Bank, though the area comprised within the said circle is not co-terminous with that of the West Bengal, the question of interim relief in relation to the employees of the Imperial Bank having been fully argued at Calcutta, we do not think that it would be improper or anomalous if any interim relief that may be given to the employees of the Imperial Bank in the Province of Bengal should be made applicable to all the employees comprised within that Circle.

3. There are at least 6 Awards relating to Banks which have offices or establishments in West Bengal that have already been given by Tribunals appointed by the Government of the said province. Mr. R. Gupta made an Award regarding the Imperial Bank of India which was notified by the West Bengal Government on the 4th August 1947. Mr. S. K. Sen made an Award regarding the Central Bank of India which was notified on the 23rd December 1947. Mr. M. C. Banerji made an Award concerning the Hoogly Bank Ltd. (which is not included in Schedule I to the Notification of the 13th June 1949, apparently for the reason that it has no branches outside Bengal Province), which was notified on the 5th April 1948. An Award made by Mr. P. R. Mukherjee regarding the Hindustan Commercial Bank was notified on the 3rd August 1948. Then there is a recent Award made by Messrs. A. Das Gupta and S. C. Chakravarty regarding the Allahabad Bank which was notified on the 1st April 1949. Lastly a second Award concerning the Imperial Bank of India was made by Mr. S. C. Chakravarty which was notified on the 22nd December 1948. Out of these Banks the Imperial Bank of India and the Central Bank of India belong to Group A. The Allahabad Bank belongs to Group B and the Hindustan Commercial Bank belongs to Group C in Schedule I to the Notification of the 13th June 1949. The earliest date of notification regarding these awards is the 4th August 1947. On a reference to the Monthly Abstract of Statistics published by the Government of India for July 1949, we find the following indices regarding the cost of living of the working class, the base being 100 for August 1939:

	Food	General
August 1947	467	828
June 1949	485	352.

The difference, which is 18 in one case and 24 in the other, cannot be considered excessive. There are also other published series of the cost of living indices. The Bengal Chamber of Commerce has been publishing the cost of living indices with the base 100 for August 1939. According to those figures the figure for July 1947 was 286 while that for August 1949 was 357, the difference being 71, which would constitute a rise of about 88 per cent. over 186 (increase in July 1947 over the base of 1939). Secondly, the Government of West Bengal have been publishing in their Monthly Statistical Digest figures relating to the middle class cost of living, the base being 100 for July 31, 1939. The Tribunal has been able to obtain only two such publications, both relating to 1948. A copy of a letter of the Government of West Bengal provincial Statistical Bureau, No. 1-5(8)49/2244, dated the 7th September 1949 has been furnished to us by one of the parties from which the following figures are taken:

August 1949	322.4
June 1949	351.6

which means an increase of 29.2 points, i.e., about 18 per cent. over 222.4 (increase in August 1947 over the base 100).

4. One of the Adjudicators in West Bengal, Mr. C. Chakravarty, in his Award regarding the Imperial Bank of India, which was notified on the 22nd December 1948, has characterised the Bengal Chamber of Commerce scheme as "not unscientific" and has said, "I do not think there is any substantial ground to refuse the employees' dearness allowance according to the Bengal Chamber of Commerce scheme." But owing to the employees' demand having been limited to 40 per cent. of the basic salary, he felt that he could not grant higher dearness allowance. It has been contended generally, and in particular by the employees of the Imperial Bank of India, that the dearness allowance scheme of the Bengal Chamber of Commerce should be adopted. Under that scheme dearness allowance is computed at the present day as follows:

90 per cent. of 1st 100 rupees,
45 per cent. on the 2nd 100 rupees, and
22½ per cent. on the balance.
Minimum dearness allowance Rs. 55 per month.

But the difficulties in adopting that scheme are these. So far as we are aware, no Award in West Bengal has granted dearness allowance in conformity with that scheme. We do not know, besides, on what basis the figures of the cost of living indices have been computed by the Bengal Chamber of Commerce. Besides, the index figures of the cost of living published by the Government of India and the Government of West Bengal show a rise in June 1949 of 18 to 24 per cent. and 18 per cent., respectively, above the increase over the base 100 in August 1947 (the date of Mr. R. Gupta's Award), as against a corresponding rise of 38 per cent. under the Bengal Chamber of Commerce scheme; so that there is a great disparity between the series of index figures under the latter and those published by the two Governments. In our opinion, the index figures published by the said two Governments are more reliable than those published by the Bengal Chamber of Commerce.

5. We think that at least for the purpose of interim relief grouping of the Banks in groups A, B and C as shown in Schedule I to the notification of the 13th June 1949 is desirable. In Group A the employees of the following Banks have asked for interim relief: Imperial Bank of India, Central Bank of India, the Bank of India and the following Exchange Banks, the Eastern Bank, Grindlay's Bank, Lloyd's Bank, the Mercantile Bank of India and the Netherlands India Commercial Bank. The scales of pay for the clerical staff obtaining in these Banks are as follows:

Imperial Bank of India (under the Award of Messrs. R. Gupta & S. C. Chakravarty). Grade II (Junior Scale): Rs. 70—4—126—E.B.—130—5—175. Grade I (Senior Scale): Rs. 100—8—180—E.B.—10—250. Dearness allowance: 40 per cent. of the basic salary with a minimum of Rs. 50.

Central Bank of India (under the Award of Mr. S. K. Sen).

The scales follow Divatia J's Award with the modification that the minimum dearness allowance has been raised to Rs. 95; there is, besides, a house rent allowance of 10 per cent. of the basic pay subject to the minimum of Rs. 15 for pay up to Rs. 100 and of Rs. 20 for pay exceeding Rs. 100 but not exceeding Rs. 200. The scale awarded by Divatia J. in respect of big Banks is as follows:

Rs. 65—5—85—92—100—107—115—122—130—187—145—152—160—10—230—245—15—275,

and dearness allowance at the rate of 25 per cent. of the basic salary with a minimum of Rs. 80. Mr. Sen's Award came into operation in January 1948 when the working class cost of living index was 315, the corresponding figure for June 1949 being 352 (Government of India, Monthly Abstract of Statistics for July 1949). The difference of 37 points is about 17 per cent. over 215 (the difference between 315 and the base 100). Though these Awards have ceased to be in operation it has not been alleged that the Banks concerned are now giving less pay or dearness allowance than those awarded in any case. The Central Bank, on the contrary, has stated that its present scale of dearness allowance for the clerical staff is 40 per cent. of the salary with a minimum of Rs. 40 and that the total of the dearness allowance paid at the increased rate, the bonus paid and the house rent allowance together work out at 80 per cent. of the salary for those getting Rs. 100, at 100 per cent. for those getting less, and at 70 to 80 per cent. for those getting more than Rs. 100 per month. It has further shown that whereas in 1939 the minimum emoluments (excluding the bonus and provident fund contribution) were Rs. 35 per month they now amount to Rs. 120 per month.

Bank of India.—The scales in operation since July 1946, when there was an agreement with the employees, are as follows:

Rs. 65—5—85—95—5—130—140—165—190—215—220—225, graduates getting Rs. 10 more and stenographers Rs. 80 more. Dearness allowance at 25 per cent. of the basic salary, with the minimum of Rs. 40 and maximum of Rs. 55 per month.

According to Government of India's statistics (Monthly Abstract of Statistics for July 1949) the index figures for Calcutta for the working class for 1946 and for 1949 were.

	Food	General
1946	360	275
June 1949	485	352

The difference is 125 in respect of food and 77 in respect of general. Without giving any weightage to food or general, the difference would be 101 points over 217.5 (initial rise in 1946 over basic 100), a rise of about 46 per cent. The agreed scales of 1946 are, therefore, inadequate in the context of the situation which prevails today.

6. Among the Exchange Banks the following have been following the Bengal Chamber of Commerce scheme. Lloyd's Bank, the Mercantile Bank of India, Eastern Bank and Grindlay's Bank. The present scales of pay for the clerical staff under the said scheme are stated to be as follows:

Junior grade: Rs. 70—4—126—E.B.—135—5—175.

Senior grade. Rs. 100—8—180—E.B.—10—250.

Grindlays Bank has varied those scales and adopted the following:

(1) Rs. 60—7½—105—5—210

(2) Rs. 125—10—195—5—280

(3) Rs. 200—10—270.

Subordinate staff: Rs. 30—2—60.

The scales of pay under the Bengal Chamber of Commerce scheme are practically the same as those under Mr. Gupta's Award, and it will also be seen that the senior grade under the Bengal Chamber of Commerce scheme as well as parts of the junior grade thereunder are inferior to the scales awarded by Divatia J. In our opinion there is no need at this stage of our enquiry to interfere with the existing scales of pay in the Banks in group A, for it can hardly be said that any great disparity exists in those scales. As to dearness allowance, can it be said that the dearness allowance of 40 per cent. of the basic salary, with the minimum of Rs. 50, granted to the employees of the Imperial Bank by Mr. S. C. Chakravarty towards the end of 1948 is inadequate, particularly in view of the interim relief which we have granted in other provinces? The percentage of 40 per cent., besides, is calculated on a scale of pay which is higher at the initial stage than that awarded by Divatia J., the rate itself is substantially higher than that of 25 per cent. allowed by him for the big Banks and the minimum of Rs. 50 compares very favourably with the minimum of Rs. 30 allowed by him. The scale of dearness allowance allowed by Divatia J., however, has been regarded by more than one Adjudicator in West Bengal, it seems to us, justifiably, specially in view of the conditions existing in Calcutta, as unduly low. This is also shown by the present scales of basic pay and dearness allowance adopted by the Central Bank of India in Western Bengal, in spite of the fact that Mr. S. K. Sen followed Divatia J.'s Award (with a slight modification) as regards basic pay and dearness allowance. The scale of dearness allowance allowed by the Bengal Chamber of Commerce compares extremely favourably even with the scale allowed by Mr. Chakravarty's Award; the minimum dearness allowance under the Bengal Chamber of Commerce scheme, besides, is Rs. 55, as against Rs. 50 allowed by Mr. Chakravarty. Further, whereas in Mr. S. K. Sen's Award regarding the Central Bank a generous scale of house rent allowance is given no such allowance has been awarded by Mr. Chakravarty. He did grant such relief in his interim order, but he withdrew that relief because it had been asked for only in respect of the Calcutta workmen and not in respect of others. Thus both his refusal to apply the Bengal Chamber of Commerce scheme and his refusal to allow a house rent allowance were based on merely technical considerations. Though the employees pleaded before him for the application of the Bengal Chamber of Commerce scheme (which he was inclined to apply), they confined their dearness allowance to 40 per cent. of the basic pay. So they made other

demands for allowances, e.g., house allowance, children allowance, local allowance and halting allowance all of which were refused. The Government of West Bengal appear to have regarded Mr. Chakravarty's Award, probably, for such reasons, as suitable only for a short period for they ordered that the said Award should remain in force only for a period of three months. The Central Pay Commission held that uniform scales of pay could be prescribed only on the assumption that in the costlier cities and special areas the basic scale would be supplemented by the grant of suitable house rent or other allowance (paragraph 18 at page 50 of their Report). In our opinion in view of the high cost of living at least in the cities of Calcutta, Kanpur and Delhi (inclusive of New Delhi) some house rent allowance should be given to workers of the Imperial Bank of India where they cannot be provided with adequate accommodation enabling a workman to live with his family in reasonable comfort. We direct that so far as the workmen of the Imperial Bank of India residing or working at Calcutta, Kanpur and Delhi are concerned the direction as to dearness allowance made by Mr. Chakravarty in his Award shall be altered in the following respects:—

- (1) in the case of members of the clerical staff, the minimum dearness allowance shall be Rs. 5 instead of Rs. 50 per month; and in the case of members of the subordinate staff the minimum dearness allowance shall be Rs. 80 instead of Rs. 25 per month;
- (2) the following monthly scales of house rent allowance shall be paid to members of the clerical staff where they are not provided with adequate living accommodation:—

	Calcutta	Delhi	Kanpur
(a) Where basic pay does not exceed Rs. 100 .	Rs. 10	Rs. 8	Rs. 6
(b) Where basic pay exceeds Rs. 100 but not Rs. 200 . . .	15	12	9
(c) Where pay exceeds Rs. 200 . . .	7½% of basic pay	6½% of basic pay	5% of basic pay

To a member of the subordinate staff not provided with adequate living accommodation a monthly house rent allowance of Rs. 7-8-0 at Calcutta, Rs. 6-8-0 at Delhi and Rs. 5 at Kanpur shall be paid. In the case of the branches of the Imperial Bank of India in other places we are unable to grant interim relief. We direct that in the case of such branches situated at places other than Calcutta, Delhi and Kanpur but within the Bengal Circle the scales of Messrs. Gupta and Chakravarty shall apply. We also allow no interim relief to the workmen of the Exchange Banks which have been following the Bengal Chamber of Commerce scheme. As regards the remaining Exchange Banks, the Central Bank of India and the Bank of India we do not think it necessary to apply to them our decision regarding the Imperial Bank of India, particularly as the scale of house rent allowances awarded by Mr. S. K. Sen is higher than the scales of such allowances allowed by us in the case of the Imperial Bank of India for three cities and it should not, in our opinion, be disturbed; and we feel that the Banks now under consideration (i.e., the Exchange Banks which do not follow the Bengal Chamber of Commerce scheme, the Central Bank of India and the Bank of India) may reasonably be brought under one pattern. We accordingly direct that in the case of those Banks the clerical staff shall receive a dearness allowance at the rate of 40 per cent. of the basic pay, with a minimum of Rs. 40 per month, and a house rent allowance at the rate allowed by Mr. S. K. Sen's Award, and that the subordinate staff shall get dearness allowance at the flat rate of Rs. 80 per month, and if they reside or work at Calcutta and are not provided with adequate living accommodation, a house rent allowance of Rs. 7-8-0 per month should be given. Such

f the workmen in Group A, if any, as may be getting higher allowances than those awarded by us should continue to get them.

7. Coming now to Group B to the Government Notification they are. (1) the Allahabad Bank Ltd., (2) the Bank of Baroda Ltd., (3) the Indian Bank Ltd., (4) the Punjab National Bank Ltd., (5) the United Commercial Bank Ltd. Out of these the Indian Bank Ltd. has not been represented before us at Calcutta. Demands for interim relief were made by employees of the other four Banks. In a recent Award by Messrs. A Das Gupta and J C Chakravarty regarding the dispute between the Allahabad Bank and its employees, the dearness allowance granted to its workmen at Bombay was adopted for Calcutta, namely, for clerks and cash staff 40 per cent. of the basic salary, with the minimum of Rs. 40 and maximum of Rs. 100; and for the subordinate staff Rs. 30. Since then there has been no substantial increase in the cost of living. The Bank of Baroda has filed a comparative statement showing that its workmen, both the clerical as well as the subordinate staff, are paid more emoluments than those of the Allahabad Bank, for besides adopting the scales of pay in operation in the latter it pays more dearness allowance to its subordinate staff, and to its clerical staff it pays a house rent allowance of Rs. 15 to 20 per month, which is not paid by the Allahabad Bank. Some-what similar statements have been filed by the United Commercial Bank also. As regards the Punjab National Bank, since the 1st December 1948 it has been paying its clerical staff at the following scale: Rs. 65—5—85—7½—'80—E.B.—187½—7½—160—10—190. The dearness allowance paid is 25 per cent of the basic salary, the minimum being Rs. 35 per month, to which is added house rent of Rs. 15 for those getting up to Rs. 100, Rs. 20 for those getting from Rs. 101 to Rs. 200 as basic salary, and 20 per cent of the basic salary for those getting over Rs. 200 as salary. Peons and chowkidars are paid Rs. 30, with a dearness allowance of Rs. 30 and house rent Rs. 10 per month or free quarters.

8. As regards Group B Banks (except the Indian Bank Ltd., to which these directions will not apply), we direct that the total emoluments of a workman should not be less than those payable under the Allahabad Bank Award, the difference between the total emoluments at present being earned and those awarded by the Adjudicator in the said Award, if the latter be greater, being the interim relief to be given. Such workmen of the Banks of this Group as are now getting more than the total of the emoluments allowed by the said Award should continue to get them.

9. Coming now to Group C, the employees of the following eight Banks have asked for interim relief —

1. Bank of Assam Ltd.,

Bharat Bank Ltd.,

3. Comilla Banking Corporation,

4. Comilla Union Bank Ltd.,

5. Hind Bank Ltd.,

6. Hindustan Commercial Bank Ltd.,

7. Bengal Central Bank Ltd.,

8. Hindustan Mercantile Bank Ltd.

There is an Award regarding the Hindustan Commercial Bank made by Mr. P. R. Mukherjee which was notified in the Calcutta Gazette on the 3rd August 1948. In that Award the Bombay Award was followed except as to the minimum dearness allowance payable to the clerical staff which was raised to Rs. 35 per month. As to the Comilla Banking Corporation Ltd., it has produced a copy of the agreement between it and the Comilla Banking Corporation Employees' Association dated the 12th March 1947 which was arrived at in arbitration proceedings held under Mr. Narendra Mohan Ghose, President of the Bengal Provincial Congress Committee. Under the said agreement the clerical staff was to get dearness allowance at the rate of 25 per month except those who had already been get-

ting more (subject to the maximum of Rs. 80) and the subordinate staff was to get dearness allowance of Rs. 20 per month; and clerks residing in Calcutta were to get, besides, a Calcutta allowance of Rs. 10 per month. There were some other provisions in the agreement. By the said document both sides agreed that its terms were binding on both parties for a period of five years. The scale of pay at present in force is Rs. 50—5—85—92—6—110—7½—170. As the workmen voluntarily agreed to be bound by this agreement, we do not think that they can legitimately claim any interim relief in these proceedings.

10. As to the other seven of the Banks named above, we direct that the total emoluments of a workman should not be less than those under the Award relating to the Hindustan Commercial Bank, the difference between the total emoluments at present being earned and those awarded, if the latter be greater, being the interim relief to be given. The workmen of the seven Banks of this Group (omitting the Comilla Banking Corporation) who are now getting more than the total of the emoluments payable under the said Award should continue to get them.

11. Besides the demands of employees of particular Banks a general demand for interim relief has been made by the All India Bank Employees' Association. Where such a demand has not been backed by the employees of a specific Bank it cannot be said that there is much force in the demand. We are aware, however, that some of the Banks have been paying abnormally low scales of wages and dearness allowance. We also feel that the resources of the Banks in Group C are bound to show great variations in their amounts and that the directions, given by us in paragraph 10, therefore, may be inapplicable to all Banks in this Group. It seems to us, therefore, that at least some minimal scales of pay and dearness allowance should be fixed pending our final Award in respect of the Banks in Group C other than those mentioned in paragraph 10 above. We fixed those minimal scales as follows:

Pay		Dearness allowance	
Clerks	Subordinate staff	Clerks	Subordinate staff
Rs. 55	22	25	18

As in the case of our Award relating to interim relief for the province of Bombay, Delhi, East Punjab and Bihar, we direct that the present Award shall have operation with effect from the 1st June 1949 and we further direct that the amount if any, payable to a workman under our directions in excess of what has already been paid up to the date on which this Award comes into operation shall be paid to such workman within two months from such date.

12. Finally, we think that it would be proper to exclude from the operation of this Award the Banks which are members of the Displaced Banks Association, the Banks named in Group D of the scheduled Banks and the non-scheduled Banks in Schedule I to the Notification of the 13th June 1949; and we direct accordingly. No demands for interim relief have been received from the employees of any such Banks, the resources of which are no doubt poorer than those of the other Banks.

K. C. SEN,

Chairman.

J N MAJUMDAR,

Member.

N. CHANDRASEKHARA AIYAR,

Member.

CAMP: CALCUTTA,

2nd December 1949.

New Delhi, the 26th December 1949

AWARD

No. LR-2(258)III.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following interim award of the All-India Industrial Tribunal (Bank Disputes), in the industrial dispute regarding interim relief, between certain banking Companies and their employees in the province of Madras.

BEFORE THE ALL-INDIA INDUSTRIAL TRIBUNAL
(BANK DISPUTES), BOMBAY

ADJUDICATION

BETWEEN

The Banking Companies covered by Schedule I to Government Notification in the Ministry of Labour, No. LR-2(212), dated the 13th June 1949 and having head offices, branches, etc., in the province of Madras;

AND

Their Workmen.

In the matter of a dispute re: Interim Relief
PRESENT:

Mr. K. C. Sen, Chairman,
Mr. J. N. Majumdar, Member,
Mr. N. Chandrasekhara Aiyar, Member.

APPEARANCES:

Mr. Jal Nanabhoy Mehta for the Bank of India Ltd., Madras.

Mr. K. Gopalrao, Manager, for the Bank of Baroda Ltd., Madras.

Mr. B. Lakkappa Rai, Advocate, for the Indian Bank Ltd., Madras.

Mr. H. M. Small, Solicitor, M/s. King and Partridge, for the Imperial Bank of India, the National Bank of India Ltd., the Chartered Bank of India, Australia and China, the Mercantile Bank of India Ltd., the Eastern Bank Ltd., and the Lloyds Bank Ltd., Madras Branches.

Mr. V. C. Gopalratnam, Advocate, for the Indian Overseas Bank Ltd., Madras.

Mr. B. Vaikunta Baliga, Advocate, for the Canara Banking Corporation, Madras.

Mr. V. N. Shamrao, Advocate, for the Habib Bank Ltd., Madras.

Mr. T. S. Ramanujam, President, Imperial Bank of India, Indian Staff Union (Madras Circle) for the Imperial Bank Employees, Madras Circle; the Madras Provincial Union of Bank Employees, Madras; and the Indian Bank Employees Union, Madras.

Mr. G. N. Trikannad, General Secretary, Federation of Bank Employees, Bombay, for the elected representatives of the employees of the Bank of India Ltd., Madras and Coimbatore Branches; and the Bank of Baroda Ltd., Madras.

Mr. V. Naguraju, Advocate, with Mr. J. P. Sastry, Secretary, the Indian Bank Circars Employees Union for the Circars employees of the Indian Bank.

Mr. R. Venkataraman and Mr. R. Dandapani, Advocates, for the Indian Staff Union of the National Bank of India Ltd., Madras Branch.

Mr. P. A. Narayanaswami for the Central Bank Employees Association, Madura.

Mr. T. Changalvaravan, Advocate, for the employees of the Mercantile Bank Ltd., and the Chartered Bank of India Australia and China, Madras.

Mr. S. C. C. Antony Pillai, President, Indian Overseas Bank Employees Union, for the employees of the Indian Overseas Bank Ltd., Madras.

Mr. Nittur Srinivas Rao for the Bangalore Bank Employees' Association (appeared at Bangalore).

The All-India Industrial Tribunal (Bank Disputes) in the course of its local enquiries heard the parties concerned at Madras from the 27th October to 3rd November 1949. The principal question that was agitated by the employees was that of interim relief. Demands for interim relief were received only from the employees of three Banks, viz., the Imperial Bank of India Indian Staff Union, the staff of the Bank of India, Ltd., and the employees of the Bank of Baroda, the last two having submitted their demands on the 6th August 1949 and the first on the 16th August 1949. There had been no previous awards concerning Banks or Banking Companies in this province but a dispute existed between the Imperial Bank of India, Madras Circle, and its employees since August 1946 and the matter was referred to conciliation by the local Government in October 1948 to the Commissioner of Labour, Mr. C. G. Reddi, who made his recommendations on the 31st January 1949. The absence of reference of any dispute concerning any Bank in the province to an Industrial Tribunal, however, does not, in our opinion, necessarily indicate the absence of hardship existing among the employees of the Banking Companies. According to the cost of living indices furnished by the local Government (computed on a base of 100 for June 1936), the average for Madras for 1946 is represented by the figure 235 while the figure for September 1949 was 320. In other places the cost of living indices were as follows:

	1946	September 1949
Eluru	293	403
Bellary	249	382
Tiruchirapalli	257	355
Coimbatore	257	398
Kozhikode	281	403

During this period some of the Banks have revised their scales of dearness allowance and a very small number have revised the scales of pay also, but in our opinion such revision has not been commensurate with the extent of the rise in the cost of living. Some idea of the general indebtedness of the middle class, to which the clerical staff of the Banks belong, may be had from the statistics published this year in the Report of an Enquiry into the Family Budgets of Middle Class Employees of the Central Government submitted by Mr. S. Subramanian, Statistician to the Central Government. In table No. 11 at page 107 of the said publication an analysis of indebtedness of such employees residing in Madras city has been given and a similar analysis is to be found in table 11 at page 205 of indebtedness of such employees in the Madras province. In one case the financial position of 26 families with a monthly income of less than Rs. 100 was investigated and it was found that 19 of them (73.1 per cent.) were indebted. In the other, 35 families with similar incomes were examined and it was found that 31 out of them (89 per cent.) were involved in debt. Mr. Subramanian has stated, with regard to the city of Madras, that taking only the indebted families the average monthly payment towards debt disbursements is Rs. 16.14.0 which is about 10 per cent. of the average monthly family income. With regard to the indebtedness of the families of employees outside the Madras city he has said that on an average monthly payment towards debt disbursements is Rs. 11.7.0, which is about 7 per cent. of the average monthly income of the families.

2 Mr. Ramanujam on behalf of the employees of the Imperial Bank of India has furnished figures regarding the amount of loans which the employees of the Indian Bank have taken since the year 1946; and according to him whereas in that year the aggregate of the loans amounted to about Rs. 18,500 the employees' indebtedness rose to about Rs. 73,000 by October 1949. There is no doubt that a part of the increase was due to the increase in the number of clerical and other establishment during the period and a part of the loans is also ascribable to officers who also borrow from the Bank from time to time. But making all allowances for such causes the increase in the indebtedness suggested by the figures, which have not been seriously challenged, would appear to be appreciably

greater in 1949 than in 1946. That this is true was admitted by Mr Lakkappan Rai who appeared for the Bank. The recommendations made by the Conciliation officer on the dispute between the Imperial Bank of India and its employees in January 1949 were not implemented by the Bank and the grievances which were intended to be removed by the said recommendations have, therefore still remained without being redressed. The scales of pay obtaining in this Bank as well as other Banks are low compared to the scales obtaining in other provinces and this no doubt reflects the lower standard of living that prevails in this province. Several of the Banks belonging to group A in Schedule I to the Government Notification of the 13th June 1949 have introduced scales for the clerical staff beginning at Rs 55 p.m. with dearness allowance at Rs 30 or Rs 32.80. The lowest pay given to the subordinate staff by such Banks is usually Rs 25 or Rs 30 with a dearness allowance of Rs 25 per month. Other Banks pay at lower, sometimes much lower, rates. The Indian Bank has the following scales for bill collectors gollas and pass book writers—Rs 25—1—35—1½—50 with a dearness allowance of Rs 32.80. Peons of this Bank are paid on a scale varying from Rs 20 to Rs 50 with a dearness allowance of Rs 15 and chokras at the rate of Rs 12 to 20 a dearness allowance of Rs 15. The Indian Overseas Bank pays its lowest paid clerks Rs 30 per month with a dearness allowance of Rs 22.80 and it pays its peons only Rs 12 per month with a dearness allowance of Rs 22.80. Though our final Award may be out within a few months and it was urged by the banks that there was no immediate need for granting interim relief, we are satisfied that at least among the lower paid staff there is real distress and that even for the short period up to our final Award some partial relief at least is desirable. The second table given at page 197 of Mr Subramanian's Report shows that out of 440 budgets of employees in the Madras province that were examined there were only 88 surplus budgets and 352 (80 per cent) were deficit budgets. In the case of families with income of less than Rs 100 per month the figures are total budgets—140, surplus budgets—8 and deficit budgets—132 (94 per cent). The main agitation in this province for increased pay and dearness allowance has been carried on by the employees of the Imperial Bank of India. Mr Ramanujam stated that the employees of other Banks looked up to the former for securing better wages and allowances for the whole community of Bank employees in the province and, therefore, did not put forward any separate demand. This appears to us to be largely true. Mr Ramanujam has furnished us with copies of a large part of the correspondence which his Union had carried on with the Imperial Bank of India. On the 2nd January 1948 the Union wrote to the Bank to the effect that the Calcutta Award with regard to the Imperial Bank of India should be applied *in toto* to the Madras Circle, and the Secretary of the Union said, "Once the Bengal Award is extended we pledge our word on behalf of the Union to treat all issues covered by that Award as satisfactorily settled between us and to do everything in our power to promote efficiency, discipline and loyalty on the part of our members". By that date only the first Award by Mr R Gupta regarding the Imperial Bank of India had been published in the *Calcutta Gazette* on the 6th September 1947. The second Award made by Mr S C Chakravarty was published on the 22nd December 1948. The contents of the letter of the Union dated the 2nd January 1948 referred to above were reiterated at a meeting of the Union on the 28th August 1948. Now, in January 1948 the cost of living index figure was 906 and in September 1949 it rose to 320. The difference, however, is only 14 points and can hardly be said to be an appreciable increase. We are satisfied that the cost of living in Madras as it exists today is substantially lower than the cost of living as it existed at Calcutta in September 1947 when Mr R Gupta made his Award or in January 1949 when the Union wanted the said Award to be applied to the Madras Circle. At the date of Mr Gupta's Award the dearness allowance which was being paid by the Bank and which was not altered by the said Award was for the clerical staff at Calcutta, Delhi and New Delhi 20 per cent. of the basic salary with a minimum of Rs 85 for up-country places 15 per cent. with a minimum of Rs 25;

and for the non-clerical staff it was Rs 17 for Calcutta and for Delhi, Rs 19 for those who had put in 5 years of service and Rs. 18 for the others, in all other branches the non-clerical staff getting Rs 18 as dearness allowance. These scales of dearness allowance were raised by Mr. Chakravarty's Award to 40 per cent. of the basic salary subject to a minimum of Rs 50 for clerical staff and Rs 25 for the non-clerical staff. In view of the fact that the dearness allowance at the date of Mr Gupta's Award was less than what it is at the present date and in view of the lower cost of living obtaining in Madras, we think that it would be sufficient interim relief to the workmen of the Imperial Bank of India and other Banks in Group A if they are paid the total of the pay and dearness allowance to which the employees of the Imperial Bank of India are entitled at the present date under the two Awards (by Messrs Gupta and Chakravarty) reduced by 16 2/3 per cent. Under the said Awards the lowest emoluments of a clerk are Rs 70 plus Rs 50, i.e., Rs 120 per month and if 16 2/3 per cent of this amount is deducted we arrive at a sum of Rs 100. The propriety or adequacy of the conclusions we have arrived at can be tested by reference to the Central Pay Commission's recommendations the statistics provided by Mr Subramanian's Report the scales in force in the services of the provincial Government and also by one of the latest Awards given in this province relating to clerks and inferior establishment published at page 1924 of the *Fort St George Gazette* dated November 1, 1949. At page 29 of the Central Pay Commission's Report the conclusions arrived at by Mr Justice Rajadhyaksha who adjudicated on the dispute between the Government and postal staff in the middle of January 1948 as regards the cost of living of an average lower middle class family at the then existing level of prices have been referred to. In that adjudication it was held that the cost of living of such a family must be between Rs 120 and 125 in places like Calcutta and Bombay and between Rs 100 and 105 in cheaper areas (including presumably Madras city and province). These figures were arrived at on the basis of three consumption units. A new entrant particularly in these times is rarely burdened with a family at the date of his joining service and the contingency of his having a dependent or two would, in our opinion be sufficiently met by presuming that such a person has to bear the expenditure of two consumption units. At page 106 of Mr Subramanian's Report in table 8 the monthly expenditure per consumption unit in the income group "below Rs 100" is given as Rs 27.40. The corresponding figure for the mofussil has been given in table 8 at page 204 as Rs 29.50. The average of these two figures is Rs 28.46. The expenditure involved in the case of two consumption units at this rate would be Rs 56.90. But as with regard to certain items the cost in the case of two consumption units living together would be proportionately more than in the case of a larger family this amount should in our opinion be increased to Rs 60. In 1948 the average index figure for the cost of living for Madras city was 235 in September 1949 it was 320. The difference of 85 points represents an increase of 63 per cent over 135 the rise in 1948 over the basic 100. Adding 63 per cent of Rs 60 i.e., Rs 38 to Rs 60 we get Rs 98 as the requirement of the lowest paid clerk in Madras city.

3. We were given to understand that the scales of pay obtaining in the Madras Government start at Rs 45 with a dearness allowance of Rs 23 i.e., Rs 68 in all. In the Award recently given by the Industrial Tribunal, Coimbatore on a dispute between the managements of certain commercial establishments in Fort Cochin and their employees the scales of pay laid down for lower division clerks begin with Rs 40, and as to dearness allowance it was directed that up to Rs 55.60 per cent or a minimum of Rs 25 must be paid there being a progressively lower scale of percentages for higher salaries. Both these scales it will be seen, are lower than the emoluments we are awarding in the case of Banks in Group A. The Central Pay Commission, at page 180 of their Report recommended the following scale for the generality of clerks—Rs 55—3—85—E B—4—125—5—130. A clerk drawing Rs 55 per month would get dearness allowance at the scale laid down at page 47 of the

Report; but that scale is based on All-India indices of the cost of living, which are, we understand, no longer being published; and in all probability the dearness allowance to which such a clerk would be entitled would not be over Rs. 45 per month, so that his total emoluments would be Rs. 100 per month. The Commission, at page 218 of their Report, recommended a scale of pay for clerks of the Posts and Telegraph department beginning with Rs. 60, i.e., a figure slightly higher than the one with which the scale recommended for the "generality of clerks" began. It cannot, therefore, be said that the emoluments we are awarding for the Banks in Group A are inadequate for the purposes of interim relief. We, accordingly, direct that the total of the pay and dearness allowance (in whichever manner it may be apportioned between them) of a workman of a Bank in Group A should not be less than the total of the pay and dearness allowance resulting from the Awards made by Messrs. R. Gupta and S. C. Chakravarty in the case of the Imperial Bank of India reduced by 16-2/3 per cent. If any such workman should now be getting more emoluments than those directed to be paid by us he should continue to get them.

4. With regard to Banks in Group B, we direct that the Award relating to the Allahabad Bank made in West Bengal (treated by us as the standard for the purpose of interim relief in the cases of such Banks in that province) should similarly be followed with a deduction of 12½ per cent. For Banks in Group C, which vary widely in their resources and capacity to pay we think that it would be sufficient to lay down only the minimal scales of pay; and we direct that for Banks situated in the city of Madras the following minimal scale laid down for 'C' Class Banks in our Award as to interim relief for the provinces of Delhi and East Punjab should apply, viz.

	Pay		Dearness allowance	
	Clerks	Subordinate Staff	Clerks	Subordinate Staff
'C' Class Banks	Rs. 55	Rs. 20	25	Rs. 18

and that in respect of Banks situated in places outside the city of Madras the scale laid down by us for 'C' Class Banks in our Award in respect of interim relief for the province of Bihar should apply, viz.,

	Pay		Dearness allowance	
	Clerks	Subordinate Staff	Clerks	Subordinate Staff
'C' Class Banks	Rs. 55	Rs. 20	Rs. 20	Rs. 15

5. Retrospective effect has been asked for in respect of this Award with effect from the 1st January 1949. We do not think that a case has sufficiently been made out for giving retrospective effect to this Award from a date earlier than the 1st June 1949, the date with effect from which other Awards given by us in respect of interim relief have been directed to be operative. We, accordingly, direct that this Award should have retrospective effect from that date, and that the amount, if any, payable to a workman under our direction, in excess of what has been paid up to the date on which this Award comes into operation should be paid to such workman within two months from such date.

6. Finally, we think that it would be proper to exclude from the operation of this Award the Banks named in Group D of the scheduled Banks and the non-scheduled Banks in Schedule I to the Notification of the 13th June 1949. No demands for interim relief have been received from the employees of any such Banks, the resources of which are poorer than those of other Banks. We direct accordingly.

The question whether this Tribunal has jurisdiction over a Bank or a branch thereof situated in a State which

has acceded to India but has not been merged therein was discussed at Bangalore. Mr. Nittur Srinivas Rao for the Bangalore Banks Employees' Association in particular argued as follows.

8. It is true that both the Industrial Disputes Act, 1947, and Ordinance No. VI of 1949, (now replaced by Ordinance No. XXVIII of 1949), contain the provision [section 1(2)] that they extend to "all the provinces of India". "Province" has been defined in section 46 of the Government of India Act 1935 as follows:

"(1) Subject to the provisions of the next succeeding section with respect to Berar, the following shall be Governors' Provinces, that is to say, Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces and Berar, Assam, the North West Frontier Province, Orissa, Sind, and such other Governors' Provinces as may be created under this Act.

"(2) Burma shall cease to be part of India.

"(3) In this Act the expression "Province" means, unless the context otherwise requires, a Governor's Province, and "Provincial" shall be construed accordingly."

These provinces were altered under the Indian independence Act, 1947 (sections 2, 3 and 4 and the 1st and the 2nd Schedules), the alteration having been given effect to in the adaptations under the Indian (Provisional Constitution) Order, 1947. Under section 3 of Ordinance No. VI of 1949 (now replaced by Ordinance No. XXVIII of 1949) the following definition of banking company has been inserted into the Industrial Disputes Act:

"'banking company' means a banking company as defined in section 5 of the Banking Companies' Act, 1949 (X of 1949), having branches or other establishments in more than one Province, and includes the Imperial Bank."

A 'banking company' has been defined in section 5 of the Banking Companies Act, 1949 "any company which transacts the business of banking in any province of India." In sub-section 2 of section 5 of the said Act it is provided, "In the application of this Act to acceding States all references to the provinces of India shall be construed as including references to the acceding States to which this Act extends". Under section 1(2) of the Act it "extends to all the provinces of India and also to every acceding State to the extent to which the Dominion Legislature has power to make laws for that State as respects banking". There have been two Instruments of Accession with reference to the State of Mysore, dated the 9th August 1947 and the 23rd June 1949. In the second of those Instruments the Ruler of the State of Mysore has accepted "all matters enumerated in List I and List III of the VII Schedule the Act (Government of India Act) as matters in respect of which the Dominion Legislature may make laws of the State". Item 38 in the said List I relates to banking and item 29 in List III relates to trade unions and industrial and labour disputes.

9. Mr. Nittur Srinivas Rao contended that the combined effect of the provisions referred to above was that the Tribunal had jurisdiction over Banks or branches or Bank situated in the State of Mysore and other States similarly placed. But it seems to us that this is by no means the effect of such provisions. The Banking Companies Act no doubt applies to such a State and for the purposes of the said Act such a State is to be regarded as on the same footing as a province. But the jurisdiction of this Tribunal is governed by the provisions of the Industrial Disputes Act, 1947, under section 7 of which it has been constituted and under section 10 of which the present dispute has been referred to it by the Central Government. That Act extends to "all the provinces of India" and it cannot be said that the connotation of the word 'province' as used in section 1(2) thereof is extended by sections 1 and 5 of the Banking Companies Act, 1949. Under those sections of the latter Act the Dominion Legislature has powers to make laws for the acceding State of Mysore and other

States similarly placed, but that is different from saying that this Tribunal has jurisdiction to make Awards binding on banking companies or their employees in such a State. We, therefore, hold that we have no jurisdiction over such banking companies or their employees.

10. We are, however, of opinion that we have jurisdiction over Banks or branches thereof situated in India, as they are situated within the limits of "all the provinces of India" [section 1(2) of the Industrial Disputes Act, 1947] where the banking company concerned transacts the business of banking. The banking company, even if its head office may be situated in a State where we have no jurisdiction, must be deemed to be physically present and to transact business, in such a case, at places within the limits of the Indian provinces and must, therefore, in so far be subject to our jurisdiction. It has been urged that if the head of such a branch receives orders from its headquarters which are in conflict with an Award that may be passed by this Tribunal he would be able to say that he is merely obeying the head office and should, therefore, not be held responsible for implementing the Award with regard to his branch. It seems to us, however, that such an attitude will not avail him if he commits a breach of any term of an Award which is binding on him, for he could then be liable to be proceeded with under section 29 of the Industrial Disputes Act (the terms of which are wide) in respect of an offence punishable under section 29 of the Act.

11. It has, however, been argued that in case this be the correct view in the case of a branch situated in India of a Bank whose headquarters are in a State, it should be possible to hold also the headquarters situated in India responsible for non-implementation of an Award in branches situated outside India. But if the Award be not binding, in the first instance, on the Bank in respect of such a Branch it cannot be said that an offence has been committed under the Act by the said branch or the headquarters. The criminal liability of a Bank under the Act must be confined to the limits of the provinces of India and cannot be extended beyond them. There may, therefore, be cases in which our Awards will be binding on the head office of a banking company which is situated in India though it would not be binding on its branches situated outside India.

K. C. SEN,
Chairman.

J. N. MAJUMDAR,
Member.

N. CHANDRASEKHARA AIYAR,
Member.

CAMP : CALCUTTA,
2nd December 1949.

ORDERS

New Delhi, the 24th December 1949

No. L.R.2(215).—Whereas by an Order of the Central Government in the Ministry of Labour No. L.R.2(215)/I, dated the 13th August 1949, as subsequently amended, the industrial dispute between the Free India General Insurance Company Limited, Kanpur and their employees in the head office was referred to a Tribunal for adjudication;

And whereas the award of the said Tribunal has been published by the Central Government in a notification of the Ministry of Labour No. L.R.2(215), dated the 20th December 1949;

Now, therefore in exercise of the powers conferred by sections 15 and 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the said award shall be binding for a period of one year.

No. L.R.2(215).—Whereas by an Order of the Central Government in the Ministry of Labour No. L.R.2(215)/II, dated the 3rd October 1949 the industrial dispute between the Warden Insurance Company Limited, Bombay, and its employees in its Head Office was referred to an Industrial Tribunal, of which Mr. M. C. Shah, Member, Industrial Court, Bombay, was the sole member, for adjudication;

whereas the award of the said Tribunal in the case has been published by the Central Government in a notification of the Ministry of Labour No. L.R.2(215), dated the 20th December 1949;

therefore in exercise of the powers conferred by sections 15 and 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the said award shall be binding for a period of one year.

No. L.R.2(258)II.—Whereas by an Order of the Central Government in the Ministry of Labour No. L.R.2(212)II, dated the 13th June 1949, the industrial dispute between

banking Companies and their employees was referred to the All India Industrial Tribunal (Bank Disputes) for adjudication;

And whereas the interim award of the said Tribunal regarding the grant of interim relief to employees of Banking Companies in the province of West Bengal has been published by the Central Government in a notification of the Ministry of Labour No. L.R.2(258)I, dated the 23rd December 1949;

Now, therefore in exercise of the powers conferred by sections 15 and 19 of the Industrial Disputes Act 1947 (XIV of 1947), the Central Government is pleased to direct that the said interim award shall be binding for a period of one year or till the final award in respect of the dispute is accepted by the Government, whichever is earlier.

No. L.R.2(258)IV.—Whereas by an Order of the Central Government in the Ministry of Labour No. L.R.2(212), dated the 13th June 1949, the industrial dispute between Banking Companies and their employees was referred to the All India Industrial Tribunal (Bank Disputes) for adjudication;

And whereas the interim award of the said Tribunal regarding the grant of interim relief to employees of Banking Companies in the Province of Madras has been published by the Central Government in a notification of the Ministry of Labour No. L.R.2(258)III, dated the 23rd December 1949;

Now, therefore in exercise of the powers conferred by sections 15 and 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the said interim award shall be binding for a period of one year or till the final award in respect of the dispute is accepted by the Government, whichever is earlier.

S. MULLICK, Dy. Secy.